

L4KKEAS1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 EASTERN PROFIT CORPORATION  
4 LIMITED,

Plaintiff,

v.

18 CV 2185 (LJL)

6 STRATEGIC VISION US LLC,

7 Defendant.

8 -----x

New York, N.Y.

April 20, 2021

9:39 a.m.

11 Before:

12 HON. LEWIS J. LIMAN,

13 District Judge

14 APPEARANCES

15 TROUTMAN PEPPER HAMILTON SANDERS LLP

Attorneys for Plaintiff

16 BY: CHRISTOPHER B. CHUFF

JOANNA J. CLINE

17 GRAVES GARRETT LLC

Attorneys for Defendant

18 BY: EDWARD DEAN GREIM

19 JENNIFER A. DONNELLI

20 ALSO PRESENT:

21 Melissa Francis, Eastern Profit Corporation Limited

22 J. Michael Waller, Strategic Vision US LLC

L4KKEAS1

(Trial resumed)

THE COURT: Good morning, everybody.

COUNSEL: Good morning, your Honor.

THE WITNESS: Good morning.

THE COURT: Before we resume testimony, I received a couple of letters overnight from the defendant, and let me address them.

First, there is an objection to one exhibit, it's PX 67. I understood that that was not being offered into evidence; in fact, it wasn't offered into evidence, and so, to the extent that there's an objection to PX 67, the objection is moot because the exhibit is not in evidence.

With respect to the remainder of the exhibits that were offered yesterday, which were received all subject to a motion to strike, there was no motion to strike last night as to any of the other exhibits, so all of those exhibits that were offered yesterday are received without objection subject, in some instances, they are received for the limited purpose that was reflected in the record.

The second issue that I wanted to address is the issue that was raised in the letter last night with respect to one of the witnesses who sent a letter to the Court indicating that the witness feared for his safety if he was going to testify in this courthouse. The parties should know -- well, first of all, I understand that there's no request by either side for

L4KKEAS1

1 relief at this point with respect to that letter. Is that  
2 right, Mr. Greim?

3 MR. GREIM: That is correct, your Honor.

4 THE COURT: And, Ms. Cline, is that also correct?

5 MS. CLINE: Yes, your Honor.

6 THE COURT: So, the parties should know, I don't know  
7 whether there's substance to the letter or not. There are no  
8 facts that are in evidence before me that indicate whether  
9 there's substance to that letter or not, but there are a couple  
10 of principles that should reassure the parties.

11 First of all, with respect to any testimony that takes  
12 place in this courthouse, and in this courtroom, I've got  
13 control over it, over the security here, we've got court  
14 security officers, and the parties and the witnesses should be  
15 reassured that they will not be harassed or threatened, at  
16 least in this courtroom, for any of their testimony.

17 Second, I would instruct the parties – and, Mr. Greim,  
18 I would ask you to convey it to the witness – that if there are  
19 any specific threats rather than the generalized statement,  
20 they should bring it to the attention of the Court, and there  
21 are ways that the Court can address those, again, without  
22 opining as to whether there's substance to the specificity of  
23 the threat or not.

24 The third point – and this was raised with respect to  
25 one of the witnesses that the plaintiff mentioned to me – where

L4KKEAS1

1 there was a request for a way to enter the court, especially  
2 through the special entrance. I denied that request, and I  
3 denied it because there is no specificity, there was no  
4 particular reason that I found convincing, for the need for  
5 that witness to enter through a special entrance. But if there  
6 is a threat to somebody, or somebody feels threatened, entering  
7 this courthouse, such that they would be deterred from  
8 testifying, bring that to my attention, and we can deal with  
9 it. There are ways that people can enter the courthouse  
10 without having to be confronted by people who they may believe  
11 to be threatening to them. This is not the first case in which  
12 there are communications like the one that I received, it will  
13 not be the last one, and if there is a courthouse in this  
14 country that is capable of dealing with these issues, and  
15 dealing with them in a way that should make the witnesses feel  
16 comfortable, as comfortable as possible, it's this courthouse.

17 So, with that said, is there anything with respect to  
18 that letter that we should addressing, Mr. Greim?

19 MR. GREIM: No, your Honor, there really isn't. I  
20 just felt I should pass it along to the Court, but I think  
21 things stand where they were before.

22 THE COURT: Okay. Very well.

23 Ms. Cline?

24 MS. CLINE: Nothing from us, your Honor.

25 THE COURT: And, Ms. Cline, anything else we should

L4KKEAS1

Waller - Redirect

1 address this morning before we resume with the testimony?

2 MS. CLINE: No. We're prepared to proceed.

3 THE COURT: Anything from the defense?

4 MR. GREIM: No, your Honor.

5 THE COURT: Okay. Then we will resume.

6 Mr. Waller, you're reminded that you are still under  
7 oath.

8 Mr. Greim, you may inquire.

9 REDIRECT EXAMINATION (Continued)

10 BY MR. GREIM:

11 Q. Good morning, Mr. Waller. I want to start where we were  
12 just about to go yesterday, and I want to address your  
13 testimony about Mr. Broidy.

14 Do you recall that at some point yesterday?

15 A. Yes.

16 Q. And do you recall testifying as to your understanding about  
17 what Mr. Broidy had pled to?

18 A. Yes.

19 Q. Now, yesterday you were not presented with the actual  
20 statement and facts to which Mr. Broidy pled to, were you?

21 A. No.

22 Q. Or the charging document?

23 A. No.

24 Q. Is your understanding of what he was charged with and pled  
25 to based on media accounts?

L4KKEAS1

Waller - Redirect

1 A. Yes.

2 Q. But, nonetheless, I assume that you have followed those?

3 A. Yes.

4 Q. Let me ask you, what is your understanding of when  
5 Mr. Broidy was charged relating to the matter you testified  
6 about yesterday?

7 A. My understanding is he was charged in the fall of 2020.

8 Q. Okay. And what's your understanding about when he pled?

9 A. He pled shortly after that, in the fall -- later in the  
10 fall of 2020.

11 Q. Do you have any understanding about whether he was pardoned  
12 for that?

13 A. Yes, he was.

14 Q. And it was a federal offense, correct?

15 A. Yes.

16 Q. So do you know who pardoned him?

17 A. The president.

18 Q. What is your understanding of the federal statute that he  
19 was charged with violating?

20 A. He was charged with violating the Foreign Agents  
21 Registration Act.

22 Q. Is that also known -- have you heard that called FARA, or  
23 FARA?

24 A. Yes.

25 Q. Do you have some understanding of what FARA requires?

L4KKEAS1

Waller - Redirect

1 A. Yes.

2 Q. What is that?

3 A. In general, in my layman's understanding, it's representing  
4 a foreign entity or person for the purposes of influencing the  
5 U.S. Government without registering with the Justice  
6 Department.

7 Q. Do you understand which foreign person Mr. Broidy was  
8 charged with representing without registration?

9 A. Yes.

10 Q. Who or what was that?

11 A. He was a national of Malaysia.

12 Q. Do you understand whether Mr. Broidy was charged with or  
13 pled to conspiring with the PRC?

14 A. No.

15 Q. Or the CCP?

16 A. No.

17 Q. Now, you also testified yesterday that -- well, actually,  
18 let me take that back.

19 Were you present when Ms. Wallop testified that she  
20 had conferred with you before taking on accepting third-party  
21 funding in this matter?

22 A. Yes.

23 Q. And did she, in fact, confer with you?

24 A. Yes.

25 Q. And do you recall when that was?

L4KKEAS1

Waller - Redirect

1 A. That was in the early summer of 2019.

2 Q. That was before this law firm was retained?

3 A. Yes.

4 Q. I'm going to ask you a few questions about that,

5 Mr. Waller, and I am just going to ask you -- these questions

6 are all designed not to elicit attorney-client privileged

7 communications, and so I will stop you if you do that, but that

8 is not my intent, we do not waive any attorney-client or work

9 product privilege. I'm going to ask you solely about

10 communications with people who are not lawyers. Okay?

11 A. Yes.

12 Q. Now, when Ms. Wallop asked for your advice, did you do

13 anything to -- well, let me ask you: Did you ultimately make a

14 recommendation to Ms. Wallop?

15 A. Yes, I did.

16 Q. And did you do anything to inform yourself before making

17 that recommendation?

18 A. Yes.

19 Q. What did you do?

20 A. I asked around about Mr. Broidy and his work, and I flew to

21 Los Angeles to meet with him in person.

22 Q. What did you discuss generally with Mr. Broidy?

23 A. Generally discussed a range of issues, but with relating to

24 this case. I asked him about his controversial work in

25 relation to this Guo matter.

L4KKEAS1

Waller - Redirect

1 Q. What did Mr. Broidy tell you he had done with respect to  
2 just the overall Guo matter?

3 A. He said that it was all in the context of getting three  
4 American prisoners released from Communist China.

5 Q. Was there anything about those prisoners that Mr. Broidy  
6 said motivated him in particular?

7 A. There was one -- there was a woman who was a prisoner, and  
8 she was pregnant at the time.

9 Q. Did Mr. Broidy tell you whether before doing the things  
10 that he was charged with, or at least some of those things, did  
11 he tell you whether he had himself investigated whether Mr. Guo  
12 Wengui was a dissident?

13 A. Yes.

14 Q. What did he say he had done?

15 A. He said that Guo Wengui was a part of the Chinese Communist  
16 Chinese Party.

17 MR. CHUFF: Sorry. Objection; hearsay.

18 THE COURT: I'm going to receive it not for the truth,  
19 but for the fact that it was said as part of the due diligence  
20 into Mr. Broidy.

21 You may proceed.

22 THE WITNESS: Thank you.

23 Mr. Broidy told me that he found that Guo Wengui was  
24 part of a losing battle in a Chinese Communist Party faction  
25 fight, and this was a fight over the spoils and political

L4KKEAS1

Waller - Redirect

1 infighting, and that he was not indeed a dissident.

2 Q. Did you ask Mr. Broidy whether he had done any  
3 investigation into whether Mr. Guo Wengui was an asset to the  
4 United States for intelligence purposes?

5 A. Yes.

6 Q. And what did he say he had done?

7 A. Mr. Broidy said --

8 THE COURT: Again, I'm receiving all of this not for  
9 the truth, but for the fact that this conversation took place.

10 Q. What did Mr. Broidy tell you he had done?

11 A. He said that he checked with his U.S. Intelligence contacts  
12 and said that he ascertained absolutely that Guo Wengui was  
13 not, and had not ever been, an asset to the United States  
14 Government.

15 Q. Now, did you do any -- well, let me ask you this: Were  
16 Mr. Broidy's statements to you consistent with any other  
17 investigation you had been doing up to that point?

18 A. Yes, they were consistent with my own investigations of the  
19 past -- of the previous 13 months or so. I had found the exact  
20 similar information.

21 Q. Now, you said the past 13 months. So, when did you start  
22 your own efforts to dig into Mr. Guo Wengui's background?

23 A. On a really solid scale, it was right after he filed suit  
24 in May of 2019. Pardon me, May of 2018.

25 Q. Okay. Just generally speaking -- and, again, do not

L4KKEAS1

Waller - Redirect

1 disclose communications with your attorneys, okay -- I would  
2 like to ask you, just generally speaking, what categories of  
3 things you did to investigate Mr. Guo's background after you  
4 were sued?

5 A. I --

6 THE COURT: What's the purpose of this testimony?

7 MR. GREIM: Your Honor, I simply want to show the  
8 basis for Mr. Waller's recommendation on the third-party  
9 funding. The whole relevance, the reason we got into this in  
10 the first place, was that Strategic's decision to do this was  
11 not credible, and that it --

12 THE COURT: I'll receive it for that limited purpose.  
13 I assume you're not going to spend all that much time on it?

14 MR. GREIM: No, I'm not. We're just about done,  
15 actually.

16 BY MR. GREIM:

17 Q. If you could, Dr. Waller -- we'll get into other evidence  
18 later -- I just want to know the categories of the things that  
19 you did.

20 A. I had open source research done by Mandarin-speaking people  
21 to look at -- to listen to recordings and watch videos of Guo  
22 and recordings that Guo had made of himself threatening Chinese  
23 dissidents in America.

24 Q. Okay. And what else did you do?

25 A. The same with recordings of him meeting with senior Chinese

L4KKEAS1

Waller - Redirect

1 secret police officials in his home and statements of him --  
2 recorded video statements of him supporting Xi Jinping, the  
3 Chinese Communist Party leader, just two weeks before he sought  
4 American political asylum.

5 Q. Other than that investigation, did you make any contact  
6 with the United States Government?

7 A. Yes, I did.

8 Q. What did -- generally, who did you contact?

9 A. I contacted two FBI field offices and informed them that I  
10 was a witness in a case --

11 MR. CHUFF: Objection, your Honor. At the deposition,  
12 he refused to answer this question.

13 THE COURT: Is that right, Mr. Greim?

14 MR. GREIM: You know, actually, I can't remember, but  
15 I'm happy to withdraw it. I don't want to spend -- it's not a  
16 critical issue.

17 THE COURT: The question is withdrawn.

18 BY MR. GREIM:

19 Q. So, is it fair to say, Dr. Waller, that as a result of all  
20 this investigation, you made a recommendation to Ms. Wallop?

21 A. Yes. After I was conclusively convinced that Guo was not  
22 an asset and that pursuing this case would not harm any U.S.  
23 national interests.

24 Q. Okay. Let's go back now, Dr. Waller, to your relationship  
25 with Strategic Vision.

L4KKEAS1

Waller - Redirect

1 Had you done work with Strategic Vision before this  
2 project?

3 A. Yes.

4 Q. And what did you do?

5 A. I did two other projects with them. One was ghostwriting,  
6 and the other one was research on a strategic issue.

7 Q. What is the nature of your relationship with French Wallop?

8 A. We have known each other for between 30 and 35 years  
9 once -- after I was sentenced after I knew members of her  
10 husband's staff in the sentence.

11 Q. Now let's skip ahead. Did you come to learn at some point  
12 from Ms. Wallop about a possible project for Guo Wengui?

13 A. Yes.

14 Q. When was that?

15 A. That was in the fall of 2017, November.

16 Q. Did you attend any meetings after that?

17 A. Yes.

18 Q. What was the first meeting you attended?

19 A. The first meeting I attended was at her house with a  
20 journalist, Bill Gertz, who I had also known for about 35  
21 years, and with Lianchao Han.

22 Q. Tell us about your background with Mr. Gertz.

23 A. I first met Bill Gertz when he became a national security  
24 reporter with the Washington Times in the mid-1980s, and I had  
25 been a source of information for him, and we'd engaged on many

L4KKEAS1

Waller - Redirect

1 projects together, including setting up the Blue Team on China  
2 in the 1990s.

3 Q. I'm sorry, what is "the Blue Team"?

4 A. The Blue Team was a group of American policy experts and  
5 strategists who had a common interest in undermining the  
6 Chinese Communist Party.

7 Q. Did you believe that Gertz was an honest person?

8 A. Yes.

9 Q. Did you believe that he was diligent?

10 A. Yes.

11 Q. Did you believe that he was a -- well, are you familiar  
12 with the term "China hawk"?

13 A. Yes.

14 Q. What do you understand that to mean, just in common  
15 parlance?

16 A. Well, we were all China hawks. That means we took a  
17 hawkish aggressive stance towards the Chinese Communist Party  
18 with sort of a very tough stance against the Chinese Communist  
19 Party.

20 Q. Did you understand whether Gertz was a China hawk?

21 A. Yes.

22 Q. Let's move to Lianchao Han, who you also mentioned.

23 Describe your relationship -- just tell me, did you  
24 know Lianchao before this meeting?

25 A. Yes.

L4KKEAS1

Waller - Redirect

1 Q. What did you know about him?

2 A. I knew -- I had met him numerous times. I didn't know him  
3 well at the time, but we shared the same China hawk and human  
4 rights networks. He had worked for a senator, who I knew for  
5 years and had confidence in him and his judgment of people, but  
6 most important, we had the same -- we found out we had the same  
7 Chinese mentor, a man named Bernie Yo, who had fought the  
8 Japanese in World War II and who fought Mao Zedong right after  
9 the Chinese Communist Revolution.

10 So Bernie took me under his wing when I was a kid, and  
11 he took Lianchao under his wing when Lianchao came to the U.S.  
12 after Tiananmen Square.

13 Q. Did you have trust in Lianchao Han as a China hawk?

14 A. Yes.

15 Q. Did you have trust in him as someone who was credible?

16 A. Yes.

17 Q. By the way, who was that senator that you mentioned?

18 A. Senator Judd Gregg of New Hampshire.

19 Q. In this initial meeting, what did Gertz say about Guo and  
20 what Guo needed?

21 A. He said that Guo Wengui was a dissident who broke with the  
22 Chinese Communist Party, considered himself the number one  
23 enemy of the Chinese Communist Party, and wanted to devote his  
24 resources to undermining it and causing it to collapse.

25 Q. Did he give you anything specific about what Guo wanted

L4KKEAS1

Waller - Redirect

1 from you?

2 A. Yes. He said that Guo was engaged in what he called a  
3 whistleblowers revolution, or whistleblower campaign, which was  
4 to expose the internal contradictions of the Chinese Communist  
5 leadership to cause it to collapse under its own  
6 contradictions.

7 Q. What about Lianchao, did he tell you anything different?

8 A. He told me essentially the same.

9 Q. Did there come a time when you went to meet Guo?

10 A. Yes.

11 Q. And do you recall when that was?

12 A. That was in late November 2017.

13 Q. What did you do to prepare for that meeting?

14 A. French Wallop and I worked with Lianchao to understand what  
15 Guo wanted, what he needed done. Lianchao was acting as a  
16 helper to Guo and an advocate for Guo, so he knew what was in  
17 Guo's mind. So we fashioned together a vision statement of  
18 what we thought could be done to assist him in taking down the  
19 Chinese Communist Party.

20 MR. GREIM: Can you put up Exhibit 38, Defense  
21 Exhibit 38, please.

22 Q. While we're doing that, Dr. Waller, I have another  
23 question. Before this meeting, did you learn of Mr. Guo's  
24 connection with any other high-profile members in the China  
25 hawk group?

L4KKEAS1

Waller - Redirect

1 A. He had a connection with Steve Bannon.

2 Q. How -- was that significant to you in any way?

3 A. Yes, not because I personally trust Bannon's judgment, but  
4 I knew Steve Bannon to be a China hawk who had an  
5 influential -- he was an influential opinion shaper.

6 Q. At this time, what did you know about Guo's connection with  
7 Bannon?

8 A. I knew there was a -- I knew vaguely that there was a  
9 connection and that they were meeting, but I didn't know the  
10 extent beyond that at the time.

11 Q. Now let's turn to the exhibit we put in front of you. This  
12 is Defense Exhibit 38. We received this yesterday as a  
13 plaintiff's exhibit.

14 Do you recognize this document?

15 A. Yes.

16 Q. Is this the document you just told us about that you  
17 prepared with Lianchao Han?

18 A. Yes.

19 MR. GREIM: I'll move to admit it, just so that we  
20 have --

21 THE COURT: It's in evidence.

22 MR. GREIM: It's in? Okay.

23 BY MR. GREIM:

24 Q. You'll see in the first line, it says, "This is a vision  
25 for Mr. G" -- did you mean Mr. Guo there?

L4KKEAS1

Waller - Redirect

1 A. Yes.

2 Q. -- "to remain safely in this country and accomplish his  
3 mission back home."

4 Did I read that right?

5 A. Yes.

6 Q. Is that consistent with your understanding of what Guo  
7 wanted to do at this time?

8 A. Yes.

9 Q. Now, it says "remain safely in this country." Let me ask  
10 you, did you understand whether Guo had sought any kind of  
11 permanent status here?

12 A. Yes.

13 Q. What had he done?

14 A. He had sought political asylum in September of 2017.

15 Q. And who told you that?

16 A. Lianchao Han and Bill Gertz.

17 Q. Did Lianchao Han tell you whether he had any role in that  
18 asylum application?

19 A. Yes.

20 Q. What did he say he was doing?

21 A. He said that he had a legal background, and as a native  
22 speaker of Mandarin, was helping Guo to apply or had helped Guo  
23 to apply.

24 Q. Now, at this time, at this meeting, in late November, was  
25 there any discussion about you being hired to do an

L4KKEAS1

Waller - Redirect

1 investigation?

2 A. No.

3 Q. Did Mr. Guo appear to disagree with any of the statements  
4 listed in Exhibit 38?

5 A. No.

6 Q. And let me back up a second. I didn't ask you this: Who  
7 was at this meeting with Mr. Guo?

8 A. At that meeting were French Wallop, Lianchao Han, Mr. Guo --  
9 we were in the meeting together -- and Bill Gertz.

10 THE COURT: Dr. Waller, was this document, DX 38,  
11 provided to Mr. Guo in advance, or was it provided to him at  
12 the meeting for him to read? How was it disseminated to him?

13 THE WITNESS: We handed it to him at the meeting in a  
14 paper form.

15 THE COURT: Did you see him read it at the meeting?  
16 How was it used?

17 THE WITNESS: Yes, he read it, but he needed help from  
18 Lianchao Han to make sure that he understood everything that  
19 was in there.

20 THE COURT: Thank you.

21 BY MR. GREIM:

22 Q. So, how did you -- was Lianchao Han acting, then, as a  
23 translator at this meeting?

24 A. Yes.

25 Q. Now, did Guo appear to -- did you hear Guo speak English at

L4KKEAS1

Waller - Redirect

1 this meeting?

2 A. Yes.

3 Q. And did he appear to understand when you spoke English to  
4 him?

5 A. Yes.

6 Q. In what circumstances was it necessary, then, for Lianchao  
7 to translate?

8 A. Well, it was necessary because he didn't -- he spoke  
9 English adequately in conversational English, but he would need  
10 an interpreter's help for any enunciation of ideas, or to make  
11 sure he understood something, or if I spoke too fast, or  
12 something like that.

13 Q. What did Guo say about himself in this meeting?

14 A. He said he was the number one enemy of the Chinese  
15 Communist Party and that he wanted to use his wealth, and his  
16 influence, and his contacts back in China to bring out  
17 information to expose the contradictions within the Chinese  
18 Communist Party to bring it down.

19 Q. Did he indicate to you that he still did have contacts back  
20 in China?

21 A. Yes.

22 Q. Did he say that he had access to their information?

23 A. Yes.

24 Q. Did he tell you the nature of these contacts?

25 A. Yes. He said they were personal contacts that he knew, and

L4KKEAS1

Waller - Redirect

1 he boasted how -- not boasted, but I guess explained, and  
2 sometimes boasted, but how he knew everyone seemingly in the  
3 Communist Party leadership from Xi Jinping, the general  
4 secretary of the Communist Party, further down through the  
5 ranks, including government ministers, Beijing city officials,  
6 and MSS, or security and intelligence service officials, as  
7 well as prominent Chinese businessmen who were tied to the  
8 Communist Party.

9 Q. Did he indicate that he could get information from these  
10 individuals?

11 A. Yes.

12 Q. What did he say about his upbringing and his background?

13 A. He said he was from a rural background, described it as  
14 sort of a rags-to-riches story where he didn't have much  
15 education, he had a large family, had many brothers, six or  
16 seven brothers, and he suddenly became very wealthy -- well,  
17 over a short period of time -- through the real estate and  
18 construction building development business, real estate  
19 development business.

20 Q. Did he say how he became close, given his background, how  
21 he became close to the CCP leaders?

22 A. Yes. There was a question of ours, how can someone who was  
23 not a party member starting out become so wealthy so quickly,  
24 and he said it was through relations he developed with a man  
25 named Ma Jian, M-a J-i-a-n, and that Ma Jian then rose to

L4KKEAS1

Waller - Redirect

1 become the deputy minister of security, so it was the number  
2 two official in the Chinese security and intelligence  
3 apparatus. So that's how Guo made his money, was on Ma Jian's  
4 coattails.

5 Q. Is that the agency you just mentioned?

6 A. Yes.

7 Q. Now, in this meeting, what help did Mr. Guo -- as he was  
8 going through this document with you, what help did he say he  
9 wanted? Did he give you anything more specific?

10 A. Well, this was our first presentation to him on what we  
11 proposed to do based on our conversations with Lianchao Han.  
12 He then fine-tuned it to more of what he was looking for. He  
13 liked a lot of these ideas, he expanded on them, we  
14 brainstormed on a number of issues. He mentioned that he had  
15 other teams doing different kinds of work at the time, and so  
16 we honed it down on what he was looking for and then advised  
17 him on what we thought would be in his best interests to help  
18 take down the CCP.

19 Q. When you say he said he had other teams doing different  
20 types of work, did he tell you what kind of teams and what kind  
21 of work?

22 A. Yes. He said he had everything from public relations teams  
23 to research teams in various places around the world.

24 Q. Did he indicate any plans to you to use the media?

25 A. Yes. That was the center of the whole plan.

L4KKEAS1

Waller - Redirect

1 Q. And what did he say? What was his media plan?

2 A. He wanted -- he had a dual approach. He wanted to address  
3 Chinese language -- Mandarin language viewers inside the  
4 People's Republic of China going past the great Chinese  
5 firewall, and, also, the Chinese speaking diaspora worldwide.  
6 So that was the one main group. The other group was  
7 English-speaking audiences, mainly in the United States, but  
8 also worldwide, to bring about information from within the  
9 Communist Party to discredit the Communist Party and its  
10 officials, cause infighting in the Communist Party. So that  
11 was the first part of it.

12 The second part of it was to create his own media  
13 machine, which he didn't have a name for then, but it would be  
14 Guo Media, or Miles Media, or certain variations thereof, to  
15 make himself sort of the number one personality, the go-to  
16 person, for the international Chinese opposition to the  
17 parties.

18 Q. So how did this meeting come to an end?

19 A. It was a favorable ending. We resolved to go back and  
20 refine this document into another document and to come back to  
21 him in a few days.

22 Q. Did you, in fact, do that?

23 A. Yes, we did.

24 Q. Do you recognize Exhibit 39?

25 A. Yes.

L4KKEAS1

Waller - Redirect

1 Q. Is this the follow-up document?

2 A. Yes. This is the one I just referenced before.

3 Q. Who worked on this?

4 A. I was the prime writer, and I worked on it with French  
5 Wallop and Lianchao Han. Lianchao was working in this capacity  
6 now as Guo's liaison with us working for what Guo wanted and to  
7 help us shape it according to the way he thought Guo would want  
8 to see something.

9 Q. Now, again, is there anything in this document about  
10 Strategic doing investigations or research?

11 A. No.

12 Q. How, if anything, did this differ from the last proposal?

13 A. It was more fine-tuned. So the first one, we wrote before  
14 we'd met Guo. Now, after we had a better part of a daylong  
15 meeting with him, got to know where his mind was, what his  
16 intents were, his desires were, we wrote this to address those  
17 interests.

18 Q. By the way, had you met -- so this is the second meeting.  
19 By this meeting, had you met Yvette Wang?

20 A. Yes. I didn't know who she was at first, I didn't know her  
21 name at first, but I had seen her in and out of the first  
22 meeting.

23 Q. Did Guo come to introduce her at a particular meeting at  
24 some point?

25 A. At the first meeting, he just referred to her as like a

L4KKEAS1

Waller - Redirect

1 servant. In the second meeting, he introduced her as his  
2 assistant.

3 Q. Did he tell you her name at the second meeting?

4 A. Yes. Her English name, Yvette.

5 Q. I see.

6 A. French name.

7 Q. I should have asked you before: Did you see Han Chunguang  
8 in either one of these first two meetings?

9 A. Yes.

10 Q. At which one, or at which meetings?

11 A. I saw him at a couple of them. The first time, he was part  
12 of the waitstaff serving hors d'oeuvres, and then the second  
13 time -- a second time, he served lunch, and Guo described him  
14 as his chef.

15 Q. Now, how did the second meeting end?

16 A. The second meeting ended favorably, also, and we fine-tuned  
17 things more. Guo came closer to what he wanted. We had  
18 brainstormed on a wide range of issues, including research.  
19 And then he asked to come back with another proposal to  
20 fine-tune this more.

21 THE COURT: Mr. Greim, can I ask the witness a  
22 question?

23 Sir, on DX 39, on the fourth page, the first paragraph  
24 under "Action," there's a sentence that reads, "Most can be  
25 done through the foundation which eliminates any need to

L4KKEAS1

Waller - Redirect

1 register under FARA"?

2 THE WITNESS: Yes.

3 THE COURT: Can you explain to me what that sentence  
4 related to and what the concern was? Which foreign government  
5 would there have to be registration for?

6 THE WITNESS: Your Honor, this would be for a foreign  
7 national, so it was not for any foreign government. We wanted  
8 to make sure that there was no political lobbying or policy  
9 lobbying involved, and so doing it under a 501(c)(3)  
10 educational foundation would allow funding for the project  
11 without having to comply with FARA.

12 THE COURT: Thank you.

13 BY MR. GREIM:

14 Q. Let me follow up on that, Dr. Waller. Why was -- who was  
15 concerned with FARA?

16 A. Strategic Vision and I were concerned with FARA.

17 Q. Was the concern about the principal here, Guo Wengui?

18 A. It was a concern with any foreign national, yes.

19 Q. Did you understand him to be a foreign national?

20 A. Yes.

21 Q. What was Strategic's concern with registering for Guo  
22 Wengui?

23 A. Not a concern in principle, it's just the compliance with  
24 registering under FARA was -- Strategic Vision had not done any  
25 FARA relevant work before and neither had I.

L4KKEAS1

Waller - Redirect

1 Q. Now, when did the research project first begin to be  
2 discussed in earnest?

3 A. Right about the time of the second meeting with Guo, but it  
4 was in the larger context of the ongoing work that he was  
5 having done by other teams already and his ongoing  
6 whistleblower campaign to expose the Chinese Communist Party  
7 leadership. So it was -- his effort was slowing down at that  
8 time as if he was running out of inside information or he  
9 needed different types of information.

10 Q. Is this something that Guo said?

11 A. Yes.

12 Q. Did you ask Guo why he wasn't able to keep getting  
13 information from his supposed inside connections?

14 A. He said there was increasing danger to them, that he also  
15 had his family back in China, and if memory serves, his wife  
16 and two children were either back in China or back and forth  
17 from China, and that the more information that was exposed, the  
18 more the regime could hone in and figure out where the sources  
19 were.

20 Q. Did there come a time -- and I am not talking now about the  
21 actual signing of the agreement, but did there come a time when  
22 the outlines of the project coalesced into a definite proposal?

23 A. Yes.

24 Q. About when was that?

25 A. This was around the third meeting.

L4KKEAS1

Waller - Redirect

1 MR. GREIM: Can we pull up PX 2.

2 Q. Dr. Waller, take a look -- why don't you scroll through  
3 that.

4 Dr. Waller, do you recognize this document?

5 A. Yes.

6 Q. Was this prepared before or after the basic outlines of the  
7 project had coalesced?

8 A. This was performed after, meaning after the two previous  
9 documents in the exhibit.

10 MR. GREIM: Let's see if you could go back to the page  
11 where it says, "1. Targeted Intelligence Collection."

12 There we go.

13 Q. Did anyone else help you prepare this?

14 A. I did it in consultation with Lianchao and French Wallop.

15 Q. Do you recall what meeting this was discussed at?

16 A. I believe it was the third meeting.

17 Q. Do you recall roughly in December when that was?

18 A. From memory, maybe the 18th of December, give or take.

19 Q. Okay. What document would you look at to determine that?

20 A. I would look at my handwritten notes.

21 Q. Okay. Well, let's just keep moving. Let's focus on -- I'm  
22 going to have you take a look at this page here.

23 Does page 1 roughly summarize what became the research  
24 project in this case? Take a second if you need to read  
25 through it.

L4KKEAS1

Waller - Redirect

1 A. Yes.

2 Q. You will see in the fourth little arrow, bullet point, it  
3 says, "Document, everything is leveraged to gain concessions,  
4 protect people, use as political weapon, or as aid in criminal  
5 prosecution and asset recovery."

6 Did I read that right?

7 A. Yes.

8 Q. Now, do you recall yesterday you testified that one of the  
9 goals of this, or one thing you thought you might find, was  
10 uncovering money stolen by CCP officials for their own benefit?

11 A. Yes.

12 Q. Is that related to this fourth bullet point?

13 A. Yes.

14 Q. Did Mr. Guo, or Lianchao, or Yvette ever tell you about a  
15 particular criminal proceeding in which they wanted to use the  
16 research?

17 A. No.

18 Q. Did they ever tell you, explain to you, how the research  
19 was going to be used to recover a particular asset?

20 A. No.

21 Q. Did they ever tell you how the research was going to be  
22 used in even a hypothetical criminal prosecution?

23 A. No.

24 Q. So, how did you understand the research was going to be  
25 used?

L4KKEAS1

Waller - Redirect

1 A. The research, as the title page of this presentation  
2 showed, it was a psychopolitical campaign, meaning a  
3 psychological warfare/political warfare campaign against the  
4 Chinese Communist leadership.

5 Q. And if you see the fifth bullet point, I think -- well, let  
6 me just ask you: Is that consistent with what Mr. Guo told you  
7 was his goal here?

8 A. Yes.

9 Q. I see that the second to last point says, "Burrow into  
10 commercial and political networks for business purposes." Do  
11 you see that?

12 A. Yes.

13 Q. Did Guo represent to you that that was another use of the  
14 information?

15 A. He said he wanted it for a wide range of reasons, but the  
16 main reasons were for building him up as the number one go-to  
17 person with all the knowledge. He said he wanted to make his  
18 enemies afraid of confronting him and show he could defend  
19 allies and go after enemies.

20 Q. Now, by this time, I see that there are ten targets  
21 identified. Is that consistent with what Guo or Lianchao told  
22 you?

23 A. At that time, yes.

24 Q. And did Guo ever tell you that he actually had identified  
25 the first ten targets?

L4KKEAS1

Waller - Redirect

1 A. Yes.

2 Q. Did he ever discuss any of them with you in these  
3 pre-contractual meetings?

4 A. Yes.

5 Q. How did he do that?

6 A. He said they were all members of -- either members of the  
7 leadership of the Chinese Communist Party or immediate  
8 associates, as in family members -- brothers, sisters,  
9 children -- and then what he described as important in the  
10 Communist system were children born out of wedlock. Because  
11 the Chinese Communist Party had a one-child policy, and for it  
12 to be known that Chinese Communist Party leadership was  
13 violating that policy left and right, it would show the  
14 hypocrisy of the party. Through those children born out of  
15 wedlock, they were raised with different family names through  
16 aunts, or uncles, or other family members, and through those  
17 individuals, it was used to hide assets. So they were running  
18 these assets through these out-of-wedlock children.

19 Q. Did Guo ever discuss party rules with you?

20 A. Yes.

21 Q. What did he say about party -- the CCP party rules?

22 A. He said the party rules were very strict. He described  
23 them to me. They were somewhat similar with the Soviet  
24 Communist Party rules that I knew from years before, but they  
25 had their own differences, and they were very strict, and

L4KKEAS1

Waller - Redirect

1 almost puritanical in certain ways.

2           So if you could find any violation of the party rules,  
3 then by the party's own rules, those members had to be expelled  
4 from the party. So any information that could be dug up of  
5 Chinese Communist Party members breaking the party's own rules  
6 meant that members of the central committee and the pole bureau  
7 de facto would have to expelled from the party, and if they  
8 were not expelled, that would put the party leadership into a  
9 crisis about expulsion or not expulsion and about the validity  
10 of the party's rules in the first place.

11 Q. Did that seem like a plausible plan to you?

12 A. Yes.

13 Q. Why so?

14 A. It seemed like a great plan. In my own experience in  
15 divisive operations, and in my own experience working against  
16 the Soviet Communist Party, and playing divisions among the  
17 Soviet Communist Party system, we had a great historical  
18 precedent to show it can work on such a very large target.

19           So, in this case, it made perfect sense.

20 Q. As you considered the plausibility of that plan, over what  
21 time period did you -- did you consider the time period over  
22 which that would have to unfold?

23 A. Yes. I thought it would take five to ten years to do. Guo  
24 insisted it could be done in three.

25 Q. Did anyone ever discuss doing it in one month?

L4KKEAS1

Waller - Redirect

1 A. No.

2 Q. Did anyone ever discuss doing it in six months?

3 A. No.

4 Q. Did you actually see some of the names?

5 A. Yes.

6 Q. And this is before the contract was signed?

7 A. Yes.

8 Q. How did you see them?

9 A. Guo handed us a paper copy – I believe it's one of the  
10 exhibits – with a list of 15 principal names among a total of  
11 about 92 names of either party officials or their close  
12 associates with, I think, one exception that he wanted  
13 researched.

14 Q. Did he give you copies that you could keep and take home  
15 with you?

16 A. No. He showed us the paper copy at that time, and through  
17 Lianchao and, I believe, Yvette, described each of the  
18 individuals and the dynamics the reasons why he was interested  
19 in that particular person or group of people.

20 Q. Can you describe what it looked like?

21 A. Oh, it was about this thick, but it looked about a quarter  
22 inch thick stack. It was a color printout of what appeared to  
23 be a PowerPoint presentation. There were individual names of  
24 the 15 main people in Mandarin and English, color-coded in blue  
25 or pinkish red for female or male, followed by, in most cases,

L4KKEAS1

Waller - Redirect

1 sort of like a flow chart or a family chart to show their  
2 relations with party officials, and then other statistical or  
3 personal information about them.

4 Q. Did Guo tell you how he had gotten that information?

5 A. Yes.

6 Q. What did he say?

7 A. He said he spent a huge amount of resources, through  
8 international teams, synthesizing a colossal amount of  
9 information to boil down into that particular presentation.

10 Q. Did he say whether he had spent the money to compile that?

11 A. Yes.

12 Q. Did he say what it had cost him?

13 A. Yes. He said he spent it personally. He said it cost  
14 \$250 million.

15 Q. Did you believe it could have cost him that much?

16 A. No.

17 Q. Did you believe, however, that he had spent some money to  
18 compile it?

19 A. Yes.

20 Q. Did he identify who the contractor or team was, or teams  
21 were, that had compiled the information?

22 A. No.

23 Q. Did he say whether those teams were still working for him?

24 A. He was not specific, but I understood that some were still  
25 working for him and some were not.

L4KKEAS1

Waller - Redirect

1 Q. Did he explain why he even needed Strategic Vision if he  
2 already had teams working for him?

3 A. He said he wanted a U.S.-based effort that would coordinate  
4 with the media campaign.

5 Q. Did you ever come to learn whether any of the teams had  
6 quit or stopped working for Guo?

7 A. After the fact, I did.

8 Q. Did there come a time, then, when Strategic Vision had to  
9 decide definitively whether to go forward with this contract?

10 A. Yes.

11 Q. And did you confer with French Wallop about whether to do  
12 so?

13 A. Yes.

14 Q. Did you think Strategic Vision should enter into this  
15 agreement with Mr. Guo?

16 A. Yes, because of the shared objective. It was like we'd  
17 worked all our lives for this opportunity, to go after the  
18 Chinese Communist Party.

19 Q. Did you rely on Guo's representations about himself and his  
20 goals for the research in deciding whether to enter into the  
21 contract?

22 A. Yes.

23 Q. Would you have entered into -- I should say, would you have  
24 recommended entering into the contract with Guo if you thought  
25 he was not a true dissident?

L4KKEAS1

Waller - Redirect

1 A. No.

2 Q. Would you have recommended entering into the contract with  
3 Guo if you thought he did not intend to use the research to  
4 undermine the CCP?

5 A. No.

6 Q. Did Guo's statements about himself seem reliable?

7 A. They seemed reliable as Lianchao interpreted them for us,  
8 but Lianchao did caution that sometimes Guo spoke in more  
9 grandiose terms than practical, but even with Lianchao's  
10 caveats, it made a lot of sense.

11 Q. Did you take Lianchao's caution to you to indicate that Guo  
12 may actually not be a dissident?

13 A. No. No, not at all.

14 Q. Did you take Lianchao's caution to you meaning that Guo may  
15 not actually use the research to undermine the CCP?

16 A. No.

17 Q. Why did his statements seem reliable to you?

18 A. Why did Guo's statements?

19 Q. Yes.

20 A. Because he spoke with, looking at this now, from a scholar  
21 of Communist political systems.

22 Q. Let me caution you, Dr. Waller -- I don't mean to interrupt  
23 you -- I want to ask you at the time why they did. Don't tell  
24 me your perspective now.

25 A. Okay. Because he had unique, fresh, inside information

L4KKEAS1

Waller - Redirect

1 from the Chinese Communist Party leadership.

2 Q. Did he actually share some of that with you in your  
3 meetings?

4 A. Yes.

5 Q. Why was that relevant to you?

6 A. It was relevant because it was a unique, brand new, very  
7 damaging source of extremely sensitive, valuable information  
8 about the internal practices, and habits, and traits, and  
9 actions of everybody from Xi Jinping on down within the Chinese  
10 Communist Party.

11 THE COURT: Can I ask you a question, Dr. Waller.  
12 When you talk about being an opponent of the Chinese Communist  
13 Party, I think you've described that there were factions inside  
14 the Chinese Communist Party; is that right?

15 THE WITNESS: Yes.

16 THE COURT: Is there a Xi faction and then an anti-Xi  
17 faction within the Chinese Communist Party?

18 THE WITNESS: Yes. At the time Xi Jinping was  
19 consolidating control. There was a big party congress coming  
20 up, which would mark the consolidation -- I think it was late  
21 2017 and another event in early 2018 that marked Xi's  
22 consolidation of power, and there was a large purge going on  
23 that Xi Jinping would stay above the purge, but he'd have a  
24 second in command, Wang Qishan W-a-n-g Q-i-s-h-a-n, who was the  
25 enforcer, who did all the work to assist -- to carry out the

L4KKEAS1

Waller - Redirect

1 purge for Xi Jinping.

2 THE COURT: As you were thinking about it at the time,  
3 I take it that you were opposed to Xi; is that correct?

4 THE WITNESS: Yes.

5 THE COURT: In your thinking about it at the time, was  
6 the anti-Xi faction within the Chinese Communist Party  
7 potentially of help with respect to the anti-Xi campaign?

8 THE WITNESS: You know, at the time it was on -- it  
9 was severely on the decline, so I didn't see this as an effort  
10 for helping one faction gain control over the next. I saw this  
11 as someone who was inside the Chinese Communist Party who was  
12 so frustrated and disgusted with the system, that he just  
13 wanted to make war on the whole system.

14 THE COURT: You may proceed.

15 BY MR. GREIM:

16 Q. Now, Dr. Waller, you also understood that Lianchao Han had  
17 been working, I think you testified earlier, working with Guo  
18 on his asylum application?

19 A. Yes.

20 Q. Do you understand what an asylum application entails  
21 generally?

22 A. Yes.

23 Q. Is there -- you're making sworn statements to the federal  
24 government?

25 A. Yes.

L4KKEAS1

Waller - Redirect

1 Q. So did that play any role in your crediting Guo's  
2 statements about himself?

3 A. Yes.

4 Q. Were you aware that Mr. Gertz had generally been writing  
5 articles about Mr. Guo for several months by this point?

6 A. Yes.

7 Q. And did you know whether Mr. Gertz had sat down and  
8 actually interviewed Mr. Guo many times?

9 A. Yes.

10 Q. So did Mr. Gertz' involvement have any role in your  
11 decision that these were reliable statements?

12 A. Yes, a great deal.

13 Q. Now, if these statements by Guo about himself and his plans  
14 were so important to Strategic Vision, why not just insist that  
15 they be inserted as representations or maybe warranties into  
16 the research agreement?

17 A. Well, the whole relationship with Guo was -- we all had a  
18 common purpose, so you don't necessarily have to state a common  
19 purpose in an agreement, a business agreement, so both sides  
20 make money. You don't necessarily put that in the agreement  
21 because it's just implicit.

22 But, more importantly, we didn't mention Guo or China  
23 in the agreement deliberately, so that there would never be an  
24 issue of any traceability back to him because he still had  
25 contacts and family back in China.

L4KKEAS1

Waller - Redirect

1 Q. And at whose insistence was that?

2 A. His.

3 Q. In fact, was that research agreement ever emailed among the  
4 parties?

5 A. No.

6 Q. And why was that?

7 A. It was because of concerns that the Chinese Secret Services  
8 were able to -- had already penetrated or monitored our --  
9 America's email and electronic communication system, so he only  
10 wanted material to be handed to him in writing or by thumb  
11 drive.

12 Q. Okay. Did you, Dr. Waller, ever tell Guo, Yvette Wang, or  
13 Lianchao Han that you were a licensed private investigator  
14 under the laws of any state?

15 A. No.

16 Q. Did they ever ask you?

17 A. No.

18 Q. Was licensure ever discussed?

19 A. No.

20 Q. Have you ever been licensed as a PI?

21 A. No.

22 Q. Have you ever considered doing so?

23 A. No.

24 Q. Did Guo, Yvette, or Lianchao ever state that Strategic's  
25 research was going to be used by Eastern Profit for its own

L4KKEAS1

Waller - Redirect

1 benefit?

2 A. No.

3 Q. Did Lianchao ever mention Eastern Profit to you?

4 A. No.

5 Q. Even after the contract was signed?

6 A. No.

7 Q. Did Guo, Yvette, or Lianchao ever state that the research  
8 would be used -- forget about Eastern Profit for a second --  
9 but by any person or entity other than Guo?

10 A. No.

11 Q. Did they ever state the research was going to be used to  
12 investigate any particular crime involving a particular victim?

13 A. No.

14 Q. Did they state the research was going to be used in any  
15 particular case?

16 A. No.

17 Q. In mid-December, did you -- as the contract began to be  
18 further discussed, did you begin to do any basic groundwork?

19 A. Yes.

20 Q. What did you do?

21 A. We put together -- we wanted to make sure -- as Mr. Guo's  
22 stated desires fleshed out, we wanted to make sure we had the  
23 capability to assemble a team from scratch to do what he wanted  
24 done.

25 Q. Did you determine that you could do that?

L4KKEAS1

Waller - Redirect

1 A. It took a while, it took a week or so, but we did determine  
2 that we could.

3 Q. Who did you communicate that to?

4 A. We communicated it to Lianchao Han.

5 Q. Did there come a time after that communication when  
6 Lianchao Han raised new demands by Guo?

7 A. Lianchao Han? There was back-and-forth. I wouldn't call  
8 them demands. They were back-and-forth that Guo wanted to see  
9 if we could do more for the -- in the contract.

10 MR. GREIM: Pull up Exhibit 7.

11 Q. Okay. Dr. Waller -- just scroll through here -- do you  
12 recognize this exhibit?

13 A. Yes.

14 Q. What does this appear to be to you?

15 A. This is a single messenger correspondence between Lianchao  
16 Han and myself from December 2017.

17 Q. Okay. And the opening one is on December 11th, and it goes  
18 all the way through January 4th?

19 A. Yes, I see December 11th.

20 Q. You have to look electronically?

21 A. Yeah, I can't scroll down.

22 Q. We'll fix that on a break.

23 MR. GREIM: If you could, Becka, just show him down to  
24 the very bottom.

25 THE WITNESS: Yes, till January 4th, 2018.

L4KKEAS1

Waller - Redirect

1 Q. Which bubbles are you and which bubbles are Lianchao Han?

2 A. Mine bubbles are the darker ones on the right; his are the  
3 lighter ones on the left.

4 Q. If I could direct you, let's go to the page -- page SVUS64.

5 Do you see here Lianchao Han making any request on  
6 behalf of New York friend?

7 A. Yes. He's asking for more, quote, insurance.

8 Q. Who did you understand, if anyone, New York friend to be?

9 A. New York friend or, quote, NY in quotes, referred to Guo.

10 MR. GREIM: Go to the next page, please.

11 Q. And what was your response?

12 A. I said I didn't think that Guo was serious.

13 Q. And this is only two weeks before the contract was signed;  
14 is that right?

15 A. Yes.

16 Q. Let's go on to SVUS66.

17 THE COURT: I'm sorry, where it's not dark, that's  
18 Lianchao Han; is that right?

19 THE WITNESS: Yes, your Honor.

20 THE COURT: And he responds to your comment, "I don't  
21 think the New York guy is serious," by saying, "I have a mixed  
22 feeling about it. Wants to do it, but wants to do it as cheap  
23 as possible."

24 What was the mixed feeling? What did you understand  
25 that to be?

L4KKEAS1

Waller - Redirect

1 THE WITNESS: The way I understood it was that Guo  
2 said he wanted to go ahead with it, but he was also unsure  
3 about whether Guo actually would, and that price was an issue.

4 MR. GREIM: Let's go -- any follow-up, your Honor?

5 THE COURT: No. No.

6 BY MR. GREIM:

7 Q. If you go to page 66, do you see that Lianchao then got  
8 back to you on Christmas Eve?

9 A. Yes.

10 Q. And it looks like the night of Christmas Eve. Does he  
11 report back to you on his conversation with Guo?

12 A. Yes.

13 Q. Do you recall Lianchao Guo communicating on behalf of Guo  
14 that Guo wanted to negotiate a refund of the deposit provision  
15 in the agreement?

16 A. Yes.

17 Q. What did Lianchao say was the reason for Guo wanting to do  
18 that?

19 A. He said that if he -- Guo wanted to put a clause in the  
20 contract to say that if I failed to provide the deliverables as  
21 defined in the scope, that Strategic Vision should return the  
22 deposit.

23 Q. Now, you say it's progress, so did you support that idea?

24 A. No. It was just a comment that at least Guo is moving  
25 ahead on the issue, so we have at least some movement on the --

L4KKEAS1

Waller - Redirect

1 movement forward.

2 Q. Did you have any concern about the kind of provision that  
3 Lianchao was suggesting?

4 A. Yes.

5 Q. Why?

6 A. Because in any deep dive research program, you simply don't  
7 know what you're going to find until you find it. So if we  
8 can't go through the expense of setting up a whole research  
9 operation and running it, and if nothing comes up at first, or  
10 if it's inadequate information, or some other variable comes  
11 up, we can't just refund funds just because the information  
12 wasn't in that spot. It's sort of like prospecting for oil, or  
13 minerals, or something; you don't know until you find it.

14 Q. Now, I see in your response -- actually, if you look at  
15 your full response on page 68.

16 A. Yes.

17 Q. Is this your full response to Lianchao's comment?

18 A. This one is, yes.

19 Q. That's just the way this thing prints out.

20 Did you have any opinion about whether it would be  
21 possible to make -- to produce deliverables within the scope  
22 within the first 30 days?

23 A. I said it probably would not be possible in the first 30  
24 days because of startup work.

25 Q. What did you suggest?

L4KKEAS1

Waller - Redirect

1 A. I suggested a minimum of 90 days.

2 Q. Now, at this point, were you negotiating the contract on  
3 behalf of -- were you one of the people negotiating the  
4 contract on behalf of Strategic Vision?

5 A. Yes.

6 Q. You were not like a back channel or anything to Lianchao,  
7 were you?

8 I withdraw the question.

9 Were you communicating with French on a regular basis  
10 about the negotiations?

11 A. Yes.

12 Q. And did either one of you have more responsibility than the  
13 other at this time?

14 A. At this time, because I knew the architecture of what to  
15 look for, I was the one handling those details.

16 Q. Now, you mentioned 90 days. Did that concept make its way  
17 into the research agreement?

18 A. Yes.

19 Q. Okay. Where?

20 A. I don't have the agreement in front of me.

21 MR. GREIM: Can we pull up, I think it's probably --

22 THE WITNESS: A minimum of 90 days.

23 MR. GREIM: Let's pull up Exhibit 4.

24 THE COURT: Are you offering DX 7?

25 MR. GREIM: Thank you, your Honor. I am offering

L4KKEAS1

Waller - Redirect

1 Exhibit 7.

2 THE COURT: Okay. Any questions as to authenticity or  
3 the timing of it?

4 MR. CHUFF: No, your Honor.

5 THE COURT: It's received subject to motion to strike.

6 (Defendant's Exhibit 7 received in evidence)

7 MR. GREIM: This may be a good time, your Honor - I  
8 know we did this yesterday - I wonder if I couldn't approach  
9 the witness with one of the binders, so that he could just leaf  
10 through and not have our person scrolling up and down for him?

11 THE COURT: Why don't you put a binder to the side,  
12 then you'll walk away from where you're putting the binder, and  
13 he will approach, and, that way, you will maintain the social  
14 distancing rules in the courthouse.

15 For future reference, what I will permit, in terms of  
16 handing a witness the binder, is for a binder to be opened  
17 approximately six feet from the witness, the lawyer who  
18 presents the binder will then step away from the binder, and  
19 the witness will be given leave to step out of the witness  
20 chair, and grab the binder, and bring it back to the witness  
21 chair. So, that way, we will at all times maintain the social  
22 distancing rules that are in effect by order of the court while  
23 also being able to get the binder to the witness.

24 MR. GREIM: May the witness now approach the binder?

25 THE COURT: Yes.

L4KKEAS1

Waller - Redirect

1 MR. GREIM: And, your Honor, is what I did okay for  
2 future reference just now?

3 THE COURT: Yes.

4 MR. GREIM: Okay.

5 BY MR. GREIM:

6 Q. All right. Dr. Waller, I went ahead and opened it up for  
7 you to Exhibit 4.

8 A. Okay.

9 Q. Does that appear to you to be a copy of the research  
10 agreement?

11 A. Yes.

12 Q. All right. Do you see whether this 90-day provision -- the  
13 90-day issue got placed into the research agreement at any  
14 place based on your understanding?

15 When you find it, if you do find it, tell us the page.  
16 We'll put it up on the screen.

17 A. There is a reference on page 2, the first full paragraph,  
18 starting the contractor concerning a historical research report  
19 within three months and updates each following month.

20 Q. Okay. Where else? Or is that it?

21 A. There is a second reference on the top of page 4,  
22 stipulating through March and for the duration of the contract,  
23 and then the top -- the second paragraph of page 4, "It is  
24 agreed by both parties for the first three months of this  
25 agreement" concerning payment.

L4KKEAS1

Waller - Redirect

1 Q. Do you see any reference to an accounting recap?

2 A. Yeah, I just saw it, but I lost it.

3 Yes, at the third paragraph on the top of page 4, "It  
4 is also agreed by both parties that after the March reports,"  
5 meaning third month reports, "and payments are made," after  
6 that, "all parties will need to recap the accounting prior to  
7 moving forward with the next quarter."

8 Q. What was your understanding of the purpose of that meeting  
9 where it says "recap the accounting"?

10 A. The purpose was because this was a new project, it was a  
11 very large project, and it was very complicated, given certain  
12 of the other parameters involved, that there were -- there was  
13 the startup phase, which was going to take some time, and then  
14 there was the finding and validating the sources of information  
15 phase as part of that startup that would take some time, so  
16 there were unpredictable factors for starting up, so then we  
17 would recap after month three to make sure we were all on the  
18 same page as to how it was going to be working.

19 THE COURT: I'm sorry, Dr. Waller, when it refers to  
20 accounting in the phrase that says recap the accounting, what  
21 accounting did you understand it to be referring to?

22 THE WITNESS: This was the accounting, meaning the  
23 so-called fish metaphor, how are we actually tracking the fish  
24 or the separate information units that were spelled out in the  
25 contract.

L4KKEAS1

Waller - Redirect

1 THE COURT: So what was to be accounted at the March  
2 or so meeting?

3 THE WITNESS: Well, let's say, did we find the proper  
4 information requested on target A and any of the couple of  
5 categories under target A, and did this make sense or should we  
6 stop and move on to a different target with a different  
7 parameter, and was this working properly.

8 There were other opportunities that were brought up in  
9 our discussions, but not stipulated in the contract, that we  
10 would find something completely new that no one was expecting  
11 that would have value for the client, and then that would  
12 satisfy certain of the client's expectations in lieu of  
13 specific fish per individual, because the client was interested  
14 in certain corporations, party-controlled corporations, that  
15 were not individuals, per se, so they didn't fit into the fish  
16 formula of the contract.

17 THE COURT: So it wasn't financial accounting, for  
18 example, of your costs?

19 THE WITNESS: No. That was all flat rate.

20 THE COURT: You may inquire.

21 BY MR. GREIM:

22 Q. You can turn to page 3, please.

23 And you will see -- you see a bolded paragraph called  
24 the "Irregular Circumstances"?

25 A. Yes.

L4KKEAS1

Waller - Redirect

1 Q. "Both parties understand that occasionally unforeseen  
2 challenges may arise that will slow or block comprehensive  
3 research, and that there may be periods in which information is  
4 irregular, unavailable, or incomplete. The contractor will  
5 endeavor to make all research and reports as complete as  
6 possible in a timely scheduled manner."

7 Did I read that right?

8 A. Yes.

9 Q. Did you insist this provision be put into the contract?

10 A. Yes.

11 Q. Why is that?

12 A. Because there were going to be irregular circumstances. We  
13 were not, and we never professed to be, a freestanding  
14 organization. We were putting together compartmented teams  
15 with no corporate profile to keep the -- because we hadn't  
16 built those teams yet and also to keep the -- not just the  
17 privacy of the client, but the safety of the client, and his  
18 interests, and his family in China.

19 So this would be very compartmented and, therefore,  
20 much more challenging to manage, and then you never know where  
21 you're going to -- and this is reflected elsewhere in the  
22 contract where we never know where we're going to not find  
23 information, or we'll find information that's not of sufficient  
24 value to the client, and the client would direct us to go to a  
25 different target that wasn't even on the principal list.

L4KKEAS1

Waller - Redirect

1 Q. Now, Dr. Waller, you testified yesterday that you believed  
2 it was important to have quality information in the first  
3 month.

4 A. Yes.

5 Q. Do you recall that testimony?

6 A. Yes.

7 Q. Now, what did you mean by "quality information"?

8 A. We had to show that our methods and our sources were  
9 sufficient to produce information of a quality that would be of  
10 value to the client. So it wasn't supposed to be a quantity of  
11 quality information, but just showing -- again, like mining for  
12 mineral, the ore has to be of a certain quality to know it's  
13 worth mining this and processing this to make it a worthwhile  
14 venture. So it's the same thing with information here.

15 Q. Did you have an understanding that you were supposed to be  
16 producing information that Guo could begin to publish in the  
17 first week?

18 A. No.

19 Q. How about in the first three weeks?

20 A. No.

21 Q. Or in the first month?

22 A. No.

23 Q. Now, did that come to be your understanding, that he  
24 expected that later?

25 A. Yes. In working with Lianchao, it was explicit in our

L4KKEAS1

Waller - Redirect

1 conversations that we would put this together to make sure we  
2 didn't jeopardize our sources, or our methods, or even Guo's  
3 sources inside China. So there would be a waiting period or  
4 sorting-out stage where it would be guaranteed that the  
5 information wouldn't endanger the source or ruin the methods.

6 Q. But my question is: Did you understand later that Guo did,  
7 in fact, expect to have information he could publish within the  
8 first few weeks?

9 A. Yes.

10 Q. We'll come to that later.

11 Now, you see your second paragraph in this response to  
12 Lianchao, you say, "As it stands, the written contract gives  
13 either party the right to terminate for any reason with 30  
14 days' notice. So if he gives 30 days' notice, we would prorate  
15 the 30 days from the deposit and return the balance under any  
16 normal circumstance."

17 Did I read that right?

18 A. Yes.

19 Q. And was that your understanding?

20 A. Yes.

21 Q. Did that understanding come to be reflected in the research  
22 agreement?

23 A. Yes.

24 Q. Is it in the section that deals with the million-dollar  
25 deposit?

L4KKEAS1

Waller - Redirect

1 A. Yes. The second paragraph of page 5.

2 MR. GREIM: Can you highlight that?

3 Q. Now, where this prorating -- what part of this implements  
4 your understanding here, Dr. Waller?

5 A. What do you mean by what part of it?

6 Q. Well, let me strike that. It's a bad question.

7 You see the second sentence, it says, "The deposit  
8 will be credited on a prorated basis to the final one and  
9 one-third months of the contract"?

10 A. Yes.

11 Q. And so if Strategic -- I'm sorry. If Eastern Profit had  
12 decided to cancel the agreement in week two, what did you  
13 understand would happen with your deposit?

14 A. We would prorate for the first two weeks and return the  
15 rest.

16 Q. Well, what about the 30 days' notice?

17 A. Well, no, there would be the 30 days -- you give the 30  
18 days' notice, so you would subtract -- you would add 30 days to  
19 two weeks, and then you'd prorate from those six weeks.

20 Q. Is that what you indicate in your second paragraph to  
21 Lianchao?

22 A. Yeah, I don't see it.

23 Q. I'm sorry, back to -- we've got to go back to -- there we  
24 go.

25 A. Yes.

L4KKEAS1

Waller - Redirect

1 Q. Now, let's stick with this exhibit and go to the next page.

2 By the way, do you see Lianchao says, "I don't know  
3 who will sign"?

4 A. Yes.

5 Q. Was that concerning to you?

6 A. Yes, it was.

7 Q. Why?

8 A. Because we had confidence in Lianchao through -- for  
9 reasons discussed earlier. Based on our knowledge of him, we  
10 were comfortable working with him, we trusted him, and he  
11 shared the same vision, and having lived in Washington for such  
12 a long time, he knew how things worked. Guo had his ideas, but  
13 he didn't necessarily understand how everything worked, and  
14 Yvette Wang never gave any indication that she knew how it  
15 worked.

16 Q. Did you also have a concern about information being  
17 released prematurely without Lianchao's involvement?

18 A. Yes, I was concerned about that.

19 Q. By the way, I see you mention in here, in dark, "Anybody  
20 who is friends with Bernie and Judd is my kind of person."

21 A. Yes.

22 Q. What is "Bernie" referring to there?

23 A. That was Bernie Yo, who was the Chinese warrior who fought  
24 against the Japanese in World War II, and then fought against  
25 Mao during the -- up to the 1949 revolution, and who lived in

L4KKEAS1

Waller - Redirect

1 Washington, and he's the one who took me under his wing when I  
2 was in college, and he did the same thing for Lianchao when  
3 Lianchao came over after Tiananmen Square.

4 Judd Gregg was the senator, Judd Gregg from New  
5 Hampshire.

6 Q. Now, moving forward from this time, did there come a point  
7 where Yvette Wang took over the final stages of the  
8 negotiation?

9 A. Yes.

10 Q. Do you recall about when that happened?

11 A. It was a couple of days after Christmas 2017.

12 Q. Let's talk about her for a moment.

13 You've told us how Guo introduced her to you in your  
14 meetings with Guo. Were those in New York?

15 A. How Lianchao?

16 Q. I'm sorry, how Guo introduced her.

17 A. Yes.

18 Q. Okay.

19 Now I'd like to ask you about what Ms. Wang said about  
20 her role. Did she have a name for her role in this project?

21 A. Yes. First she said she was Guo's assistant, and then she  
22 described herself as she would be the project manager.

23 Q. Did she have any name for Guo or any term she used to  
24 describe him?

25 A. Yes. She called him chief. She gave him some military

L4KKEAS1

Waller - Redirect

1 ranks. She called him the boss.

2 Q. Did you have any understanding as to whether things that  
3 she negotiated with you ultimately had to be approved by Guo?

4 A. Yes.

5 Q. And did they?

6 A. Yes.

7 Q. Do you recall that there came a time when Yvette Wang  
8 actually came to D.C.?

9 A. Yes.

10 Q. Did you understand she was coming to sign the contract?

11 A. Yes.

12 Q. Was the contract actually signed?

13 A. Not the first time she was there in late December.

14 Q. When she left, did you have any understanding as to whether  
15 a contract would ever be signed?

16 A. We were not sure because the way it was originally written,  
17 it was done -- negotiated with Guo through Lianchao Han.

18 Q. Did you reach out to Lianchao after she went back to  
19 New York?

20 A. Yes.

21 Q. And what did Lianchao say to you?

22 A. He was uncertain of what his role would be.

23 Q. If I could have you turn -- let's go to page 74 of  
24 Exhibit 7.

25 Do you see in dark, is this your message to Lianchao

L4KKEAS1

Waller - Redirect

1 after Yvette Wang had gone home?

2 A. Yes.

3 Q. And what was his response to you?

4 A. He said, "I talked with F," meaning French Wallop. "It's  
5 better to wait a couple of days. Miles, Guo, communicated with  
6 me a few times today, but did not mention the failure."

7 Q. Then he mentions something else about Japan in the next  
8 one. Is that relating to this matter?

9 A. No.

10 Q. Sir, were you working with Lianchao on other matters?

11 A. He was -- we weren't working with him on other matters. He  
12 was raising other issues with us to helping bring down the CCP.

13 Q. Did that further add to your confidence in Lianchao Han?

14 A. Yes.

15 MR. GREIM: I move to admit DX 7, if I haven't done so  
16 already.

17 THE COURT: I think you did, and I ruled that it was  
18 received subject to a motion to strike.

19 Q. By the way --

20 MR. GREIM: Let's pull up DX 13.

21 Q. Dr. Waller, I'm going to ask you to look at DX 13.

22 A. Yes.

23 Q. Do you recognize this document?

24 A. Yes.

25 Q. What is it?

L4KKEAS1

Waller - Redirect

1 A. That is the first page of the multipage PowerPoint that I  
2 referenced earlier with the main 15 names who Guo wanted  
3 research on and a total of about 92 people within those pages  
4 that he was interested in.

5 Q. So this is a document that Guo actually brought out at one  
6 of your meetings with him in December?

7 A. Yes.

8 Q. And let's just be clear, were you able to take any portion  
9 of this with you?

10 A. No.

11 Q. Were you able to take notes on it and take it with you?

12 A. No.

13 Q. And --

14 THE COURT: Did you recognize the names?

15 THE WITNESS: Yes.

16 THE COURT: Did you recognize all of them or most of  
17 them?

18 THE WITNESS: I didn't recognize any changes in them.  
19 So the names that I saw, I recognized -- or the names that I  
20 recognized, I had seen earlier, and the pictures of the people  
21 associated with those names, I remembered.

22 THE COURT: But when he handed it to you in December,  
23 and you looked at the names, were they names that you had known  
24 and that were known to you?

25 THE WITNESS: No, with one exception.

L4KKEAS1

Waller - Redirect

1 THE COURT: What was the exception?

2 THE WITNESS: He was the son of former Chinese leader,  
3 Deng Xiaoping -- I believe it's Deng Xiaoping. I might be  
4 mistaken. Either Deng Xiaoping or Yuexiang.

5 THE COURT: Thank you.

6 MR. GREIM: Move to admit Exhibit 13.

7 THE COURT: Exhibit 13 is already in evidence.

8 And this may be a good time for me to instruct the  
9 parties that after we're done with testimony, you are to meet  
10 and confer and make sure that there's a schedule indicating a  
11 single exhibit number for each of the documents. And you might  
12 even try to do that work tonight or during breaks, so we don't  
13 have multiple different exhibit numbers attached to the same  
14 document.

15 MR. GREIM: Yes. It's a bit of a challenge. I  
16 prepared a direct, and I wasn't quite sure whether it would be  
17 used, so we'll cross-reference it and avoid this.

18 THE COURT: Thank you.

19 BY MR. GREIM:

20 Q. Okay. Dr. Waller, at some point, did you learn of Eastern  
21 Profit before the agreement was signed?

22 A. I believe, yes, right when Yvette went to meet with French  
23 Wallop in late December.

24 Q. Okay. So it was the first meeting and not the second  
25 meeting?

L4KKEAS1

Waller - Redirect

1 A. I believe so. I wasn't present.

2 Q. So, who did you first hear about Eastern Profit from?

3 A. From French Wallop.

4 Q. And she told you that Yvette had told her the name?

5 A. Yes.

6 Q. Did you do anything to look into Eastern Profit when you  
7 learned that name?

8 A. Yes.

9 Q. By the way, had you heard of the name before?

10 A. No.

11 Q. What did you do to learn about it?

12 A. Well, we had an arrangement with Mr. Guo that payment would  
13 be run through companies, separate entities, so it couldn't be  
14 traced back to him and then have an adverse effect on his  
15 interests, and his family, and so forth. So we were expecting  
16 a different company name.

17 I looked up the -- after hearing about the name, I  
18 looked it up. I found it on the Hong Kong registry, and I  
19 found it had been incorporated in Hong Kong and registered to  
20 Guo Wengui's daughter, Mei Guo M-e-i G-u-o.

21 Q. So did the results of that investigation have any  
22 significance to you?

23 A. Well, it assured me that it was a Guo family-controlled  
24 company, but it was also disturbing because it went against our  
25 understanding that this would be done circuitously so that the

L4KKEAS1

Waller - Redirect

1 Chinese Government couldn't find out about it.

2 Q. So Strategic went ahead and signed the contract with  
3 Eastern listed as the contracting party?

4 A. Yes.

5 Q. Now, did you further understand that the contracting party  
6 may not be the party that actually paid Strategic?

7 A. Yes.

8 Q. And what was the reason for that?

9 A. That was, again, to protect Guo Wengui's interests, so that  
10 the funds could not be traced to him.

11 Q. Did you have any understanding that the research results  
12 were going to somehow be sent to Hong Kong?

13 A. No.

14 Q. Did putting Eastern Profit into the contract at all change  
15 the purpose of the agreement, in your view?

16 A. No.

17 Q. And so as of signing - let's just recap - what did you  
18 understand the purpose of this agreement to be?

19 A. The purpose was simply to put down in writing a general  
20 idea of what we would do, the time frame for doing it, what the  
21 deliverables would ultimately be, and what the payment schedule  
22 would be.

23 Q. What did you understand the purpose of the research to be?

24 A. The purpose was explicitly that Mr. Guo was to provide  
25 information for his whistleblower media campaign.

L4KKEAS1

Waller - Redirect

1 Q. Would it have changed your planning or work if Lianchao, or  
2 Guo, or Yvette had ever said the research was going to be used  
3 in a specific proceeding or to investigate a specific crime?

4 A. No.

5 Q. Would it have changed your planning or --

6 A. Pardon me, would you repeat that question?

7 Q. Sure.

8 Would it have changed your planning or work if  
9 Lianchao, or Guo, or Yvette had ever said the research was  
10 going to be used for a specific crime or a specific proceeding?

11 A. Yes, it would have changed my entire -- I wouldn't have  
12 been interested in the agreement.

13 Q. Would it have changed your planning or work if any of those  
14 three -- Lianchao, Guo, or Yvette -- had ever said the research  
15 was going to be used to recover specific property?

16 A. We wouldn't have been interested in the agreement.

17 Q. Why is that?

18 A. Because this was a risky undertaking to incur the wrath of  
19 the Chinese Communist Party leaders. Bad things happen to many  
20 people who cross the party like this. So it was very risky,  
21 and it was never in my own personal professional history. I  
22 don't care about -- it's not of interest to me to recover  
23 things or work on legal cases. It's in my political -- my  
24 policy or my personal interests if you can take down the Soviet  
25 Communist Party in a big way, let's move on to do the same way

L4KKEAS1

Waller - Redirect

1 to the Chinese Communist Party. So that was my interest.

2 Q. Let's shift gears now, Dr. Waller, and talk about the work  
3 itself.

4 Were there certain basic areas of research that were  
5 going to be conducted?

6 A. Yes.

7 Q. What were those?

8 A. Those were outlined -- they were formally outlined in the  
9 agreement. There were three. The first was financial forensic  
10 historical research, the second was current tracking research,  
11 and the third was social media research.

12 Q. And were there any parameters or restrictions on your  
13 research that were not written into the contract?

14 A. Well, one of them was we would not violate U.S. law.

15 Q. And who did you have that understanding with?

16 A. With Guo specifically.

17 He said that he was happy to tangle with the Chinese  
18 Communist Party, but he doesn't want to tangle with the  
19 American legal system, and I wasn't interested in breaking the  
20 law in any way.

21 Q. Now, let's talk a little bit more about the physical  
22 aspects of this. Let's get into the details.

23 Who was going to be doing -- as of this time, as of  
24 early January, after the contract was signed, who was going to  
25 be doing the actual work?

L4KKEAS1

Waller - Redirect

1 A. I was the manager for the bulk of the initial deep-dive  
2 research, so my job was to assemble and manage what we called  
3 Team 1, which was a team of computer engineers and data  
4 analytics engineers who would set up -- it was a ten-person  
5 engineer team, where we later added a subject matter expert and  
6 linguists, to run a 24/7 research operation, where we would get  
7 our primary raw material.

8 Q. Okay. What did this -- first of all, where was this  
9 research team going to be based?

10 A. It would be based in Europe.

11 Q. Did you know all the members of this team?

12 A. No.

13 Q. Was there a certain person who actually went and hired  
14 them?

15 A. Yes.

16 Q. What was that person's role? What was their title?

17 A. He was somebody I knew, he was American, and he had worked  
18 for a long time in that country. So he put together that team,  
19 and he had a computer background.

20 Q. Now, what exactly -- so you mentioned computers. What did  
21 the team need to do its work?

22 A. It needed an acquired set of ten high-speed computers and  
23 related software, and then the peripheral material for that  
24 necessary to do a data mining operation aimed at this  
25 particular number of targets at the same time.

L4KKEAS1

Waller - Redirect

1 Q. What is a data mining operation?

2 A. Data mining is where you take large amounts of commercially  
3 available data, like a marketing company would do in the United  
4 States, and you, quote, mine that data to determine networks of  
5 people, social desires, like what kind of things they like or  
6 don't like, travel habits, where they go, what types of  
7 establishments they frequent, even financial data that's  
8 available by subscription commercially, and you mine that in  
9 order to hone in on -- to identify the networks, in this case,  
10 of the people on the target list and to develop visual  
11 renditions of that data to show patterns of behavior and  
12 association, where they do their banking, where they travel,  
13 and move their money, and so forth.

14 Q. So, it may be a basic question, but is this coming just off  
15 the regular internet like we can get off of Google here and  
16 begin to data mine? How does that work?

17 A. No, no, it's by subscription. So let's say the credit card  
18 companies and banks sell all of our personal data to whoever  
19 wants to buy them. Practically anytime we make an online  
20 purchase, or credit card purchase, or a banking transaction,  
21 that's all recorded somewhere. Some of it is private, but much  
22 of it is not, and most customers don't realize that they're  
23 waiving their privacy when they click I accept on the user  
24 terms. So this data is then sold and packaged to really almost  
25 anybody who wants to subscribe to it.

L4KKEAS1

Waller - Redirect

1 Q. Are you familiar with the term "the dark web"?

2 A. Yes.

3 Q. What is that?

4 A. The dark web is a term for information that is available on  
5 the internet where a lot of illicit activity takes place. Some  
6 of it's just a privacy-oriented nature, some of it is of a  
7 nefarious or criminal nature. But on the dark web, there's a  
8 lot of commercial exchange of information as well.

9 Q. Did Team 1 look for any information on this dark web?

10 A. Yes.

11 Q. Was that part of the data mining operation, or was that a  
12 separate deal?

13 A. That was to verify -- to verify what was on data mining or  
14 to follow up on leads produced by data mining.

15 Q. So you got the team, you got the computers. What are some  
16 of the peripheral other things that had to be purchased and  
17 assembled for them to start working?

18 A. They -- your standard security measures, both electronic  
19 and physical. There was a lot of travel, because these were  
20 cash purchases made in three separate countries to prevent any  
21 electronic tracing of the serial numbers of the devices with  
22 the purchaser, if it was on a charge card or a bank card, and  
23 then brought back to another country to actually be set up, and  
24 then there was activity in a fourth country to get some other  
25 electronic material for the purposes of camouflaging where the

L4KKEAS1

Waller - Redirect

1 actual activity was taking place.

2 Q. Now, could you just communicate with these folks by email  
3 or -- let's just say encrypted email or encrypted phone?

4 A. No.

5 Q. How did you have to get information to and from this team?

6 A. On instructions of Mr. Guo, we could only exchange  
7 information in person by exchanging USB drives.

8 Q. Were there any precautions that had to be taken to ensure  
9 that this team could do its work?

10 A. Yes. There was compartmentation to make sure that if any  
11 link in the chain was broken, that it couldn't betray the other  
12 links in the chain. Again, this was to defend the interests of  
13 the client and the safety of his family members in China.

14 And there was -- well, just the actual travel itself  
15 was very onerous because you would have to -- it would take two  
16 or three days to do a round trip, to stop what you're doing,  
17 meet in a third location, and then exchange the data, and then  
18 return back to the respective places to continue. So that was  
19 a very cumbersome process, so it's not like everything could be  
20 done online or even by encrypted text.

21 Q. Now, could Strategic know in advance what information it  
22 was going to be able to successfully obtain on each of these  
23 individuals?

24 A. No.

25 Q. Why not?

L4KKEAS1

Waller - Redirect

1 A. Well, first, because you never know what you're going to  
2 find. You know you're going to find something, but then our  
3 researchers encountered a problem --

4 MR. CHUFF: Objection.

5 THE COURT: What's the basis?

6 MR. CHUFF: Hearsay and relevance. He's about to  
7 testify about Team 1's experience investigating, and they're  
8 not here to testify, and their identities haven't been  
9 disclosed in this litigation.

10 MR. GREIM: The question was --

11 THE COURT: I think the question is fine, so the  
12 objection is overruled.

13 The question is: From your understanding, sir, just  
14 taking it from your understanding, why could Strategic not know  
15 in advance what information it was able to successfully obtain  
16 on the individuals?

17 THE WITNESS: Yes, your Honor. It's also like from my  
18 own academic background, one writes -- or one does research or  
19 writes a dissertation based on things we don't know, and so we  
20 don't know what information we're going to find until we put it  
21 together and synthesize it. So like any other research  
22 project, we wouldn't know what we're going to find in advance.

23 BY MR. GREIM:

24 Q. Now, as this work got underway, did you have concerns about  
25 confidentiality of Team 1's research?

L4KKEAS1

Waller - Redirect

1 A. About keeping the research confidential?

2 Q. About keeping their activity confidential.

3 A. Yes.

4 Q. What was that concern?

5 A. Well, there were a couple of concerns. First was premature  
6 public release of the information.

7 Q. What would be the danger of that?

8 A. It could reveal the fact that certain things are being  
9 researched or certain people are being researched, so that if  
10 you're looking at someone who's doing something illicit or  
11 subversive, then they could be tipped off that this is  
12 happening to them, and they would take measures to prevent --  
13 they would take countermeasures to prevent exposure.

14 Q. Did Guo ever tell you that you or Strategic Vision was  
15 actually being watched by the Chinese?

16 A. He said to assume that we were.

17 Q. Did he indicate that the Chinese embassy was watching  
18 anyone?

19 A. Yes, he did.

20 Q. Did Guo, Lianchao, or Yvette ever tell Strategic's --  
21 actually, strike that.

22 Did they ever tell you that the information that  
23 Strategic Vision obtained would be given to a company called  
24 ACA?

25 A. No.

L4KKEAS2

Waller - Redirect

1 MR. GREIM: Your Honor, I'm getting ready to move on  
2 to a new topic. I just wonder if this isn't a good time.

3 THE COURT: Why don't we take our midmorning break.  
4 We'll take ten minutes. We'll reconvene at 11:30. You should  
5 be back in your seats by 11:30.

6 (Recess)

7 THE COURT: Dr. Waller -- is it Dr. Waller or  
8 Mr. Waller?

9 THE WITNESS: Whichever the Court prefers. I have a  
10 doctorate.

11 THE COURT: You're reminded, sir, that you are still  
12 under oath.

13 You may inquire.

14 BY MR. GREIM:

15 Q. Dr. Waller, let me ask you, was it your understanding that  
16 the number of total reports given to Eastern Profit was  
17 predictable?

18 Let me strike that.

19 The number of reports that Strategic would give to  
20 Eastern Profit in a given year was predictable in advance?

21 A. Yes. Well, it was averaged. It would be averaged out in  
22 advance.

23 Q. So for each area of research, were different reports  
24 required?

25 A. Yes.

L4KKEAS2

Waller - Redirect

1 Q. Different timing?

2 A. Yes.

3 Q. And different number of reports?

4 A. Yes.

5 Q. And who chose what types of research were done for each  
6 individual subject or fish?

7 A. The client would ultimately choose which areas that were  
8 outlined in the contract would be done, but at first we were  
9 just to see what we could find based on the methods that we  
10 were creating at that time.

11 Q. If a fish or subject was removed from consideration, would  
12 Strategic have to start again with a new one?

13 A. Yes.

14 MR. GREIM: Let's pull up the agreement. Let's put up  
15 Exhibit 4.

16 Q. By the way, whenever Strategic would take on a new subject  
17 or replacement subject, would that require more or less work  
18 than just keeping the subject that had just been jettisoned?

19 A. That's starting cold each time with each change.

20 Q. So would that require more or less work?

21 A. That would be more work.

22 Q. Would Eastern Profit -- I'm sorry, would Strategic be able  
23 to recover extra for that from Eastern?

24 A. No.

25 Q. Why not?

L4KKEAS2

Waller - Redirect

1 A. Because we agreed on a flat rate.

2 Q. And what was the flat rate per month?

3 A. The flat rate was \$750,000 per month.

4 Q. Do you recall testifying --

5 MR. GREIM: Let's go to -- yes, let's stay on this  
6 page.

7 Q. If you go to the fourth paragraph, do you see it says, "The  
8 pricing for 30 units or deliverables per year remains a  
9 constant \$9 million per year, or 750,000 per month, for 12  
10 months"?

11 A. Yes.

12 Q. Did you understand that the units -- that each individual  
13 unit or deliverable was not set in advance at the start of the  
14 year?

15 A. Yes.

16 Q. And so if a subject -- if subject A had research on  
17 financial tracking information for the first six months, and it  
18 changed to subject Z with social media tracking for the next  
19 six months, was that still one unit?

20 A. Yes.

21 Q. Now, earlier -- yesterday, do you remember testifying at  
22 some point that the flat fee was \$300,000 per month?

23 A. Yes.

24 Q. Now, did you have the agreement in front of you when you  
25 said that?

L4KKEAS2

Waller - Redirect

1 A. No. I misspoke.

2 Q. Your testimony is that it is not \$300,000 per month for  
3 anything --

4 A. Correct.

5 Q. -- is that right?

6 MR. GREIM: Let's go to page 3.

7 Q. Now, under "Price," the very first line there says the  
8 price for each deliverable, A, B, or and C, are \$300,000 each  
9 per subject per year. Do you see that?

10 A. Yes.

11 Q. Do you recall being asked about that before?

12 A. Something to that effect, yes.

13 Q. Did you -- let me take you now to the very last paragraph.

14 MR. GREIM: Well, the last two. Let's highlight both  
15 of those.

16 Q. Do you see where it says, "Therefore, when a fish is  
17 removed from consideration, a new fish will be put in its place  
18 by the client, keeping the number of fish being monitored at  
19 any time at 10"?

20 A. Yes.

21 Q. Did I read that right?

22 A. Yes.

23 Q. Was that your understanding?

24 A. Yes.

25 Q. And then for each of the ten, there would be how many

L4KKEAS2

Waller - Redirect

1 subject matters for each?

2 A. Three.

3 Q. For a total of how many?

4 A. Thirty.

5 Q. And then in the first month, you were given how many fish?

6 A. Fifteen.

7 Q. But how many subjects for each one?

8 A. Two.

9 Q. For a total again?

10 A. Thirty.

11 Q. Nice job.

12 If you go to the very final paragraph --

13 THE COURT: I'm sorry, what are the two subjects for  
14 the first month?

15 MR. GREIM: Your Honor, that's not in this agreement.  
16 That is -- let me clear that up.

17 BY MR. GREIM:

18 Q. So the 15 initial subjects and the two areas per subject,  
19 is that in the research agreement?

20 A. That -- I would have to reread the agreement, but it's on  
21 the tasking list that the client gave us, which we already  
22 discussed in the previous exhibit or an earlier exhibit.

23 Q. Do you see -- actually, if you go to page 4, do you see it  
24 says, "The first month, January, this contract will include up  
25 to 15 fish"?

L4KKEAS2

Waller - Redirect

1 A. Yes.

2 Q. For a total of 30 reports?

3 A. Yes.

4 Q. So is that your understanding of the deal that was reached?

5 A. Yes.

6 Q. And was this early or late in the negotiations when this  
7 was added in?

8 A. This was later.

9 Q. Let's go back to the third page. Let me take you to the  
10 last paragraph.

11 So, we just discussed this idea of moving fish in,  
12 taking fish out, and you will see the very bottom says,  
13 "However, this solution does not provide for predictable  
14 budgeting or workloads."

15 Do you see that?

16 A. Yes.

17 Q. Was that Strategic's concern?

18 A. Yes.

19 Q. And was that discussed with Guo?

20 A. Yes.

21 Q. And then it says, "To ensure the maximum workload for  
22 predictability of the agreed price, we will measure the  
23 deliverables as 30 units per year." Did I read that right?

24 A. Yes.

25 Q. Ten fish times three reports - A, plus B, plus C - each,

L4KKEAS2

Waller - Redirect

1 right?

2 A. Yes.

3 Q. And then it has an equals sign, and it says, "30  
4 jobs/reports at any given time." Did I read that right?

5 A. Yes.

6 Q. Did you understand that that was Strategic's obligation, to  
7 be working on 30 jobs/reports at any given time?

8 A. Per year, over a year.

9 Q. Well, over the course of the year, but at any given time as  
10 well, right?

11 A. Yes, but starting up, we'd have to -- it was an  
12 unpredictable starting up. So you don't know until you've  
13 actually begun what the load would be.

14 Q. Did you have any understanding as to whether the \$750,000  
15 per month had to be paid each month?

16 A. Yes.

17 Q. Did it depend based on -- did it depend on how many reports  
18 were actually delivered to Eastern under any of the categories?

19 A. No.

20 Q. What did it depend on?

21 A. Well, I would have to reread the exact wording. So do you  
22 want the exact wording or my understanding?

23 Q. Well, I just want your understanding.

24 A. We would do the job for a flat rate of \$750,000 a month,  
25 with the understanding that for the first 90 days or so, it

L4KKEAS2

Waller - Redirect

1 would be irregular because of the nature of starting up a big  
2 research project.

3 Q. And let me take you now to the very last page, page 5. We  
4 looked at this paragraph earlier regarding the million-dollar  
5 deposit.

6 MR. GREIM: Let's highlight that.

7 Q. You see it allows for a credit of the deposit at the end of  
8 the contract?

9 A. Yes.

10 Q. And is that credit based on the number of reports that  
11 Strategic Vision completes?

12 A. No.

13 Q. What's it based on?

14 A. It's based on the number of months worked or the amount of  
15 time that the work was done.

16 Q. By the way, we saw your text already with Lianchao Han  
17 regarding the issues in the first 30 days and 90 days of  
18 starting up. Did you express those views about the difficulty  
19 of startup and reviewing the quality of work with anyone else  
20 on Guo's team before the agreement was signed?

21 A. I raised it with Guo himself, and with Lianchao Han, and  
22 with Yvette Wang.

23 Q. What was Guo's response to you?

24 A. Guo's response was do it as quickly as you can. Lianchao's  
25 response was, he understands the complexities of starting

L4KKEAS2

Waller - Redirect

1 something like that.

2 By this time, he's acting as Guo's agent to us, not  
3 simply a helper or an ally. He was Guo's designated  
4 representative to us, so the interlocutor. So he was telling  
5 us he understood the complexities of starting this up and just  
6 to also do -- see what we could get in the first hauls of  
7 information.

8 Yvette Wang seemed to not understand this at all.

9 Q. Okay. Thank you, Dr. Waller.

10 Let's now move on to a topic we started to explore  
11 earlier. The contract had been signed, we talked about the  
12 initial work that had to be done. When did you actually  
13 receive -- or did there come a time when you actually received  
14 the subject names on a thumb drive?

15 A. French Wallop received those names in early January -- she  
16 testified to that yesterday -- and the thumb drives contained  
17 malware or were contaminated somehow electronically, and there  
18 was -- she had to go back up to New York to get a fresh set of  
19 thumb drives.

20 Q. I'll just stop you.

21 Did there come a time when you got your hands on those  
22 yourself?

23 A. Yes.

24 Q. And then what did you do with them?

25 A. So to erase any electronic metadata, I put -- I had bought

L4KKEAS2

Waller - Redirect

1 a computer that had never been attached to the internet and a  
2 printer that had never been attached, and then printed out the  
3 contents of that thumb drive, which was only that list as  
4 contained in this previous exhibit, printed it out and then  
5 scanned it, and then put it on a new encrypted drive to send to  
6 Europe, to deliver to Europe.

7 Q. Is there a name for something like that, a laptop that's  
8 never been on the internet?

9 A. We referred to it as a virgin laptop. I don't know if  
10 that's a technical term or not, but that was the closest thing  
11 we could -- we just called it a virgin laptop, so it was  
12 completely clean. And we paid cash for the laptop, so there  
13 could be no tracing of the purchase.

14 Q. Now, we heard yesterday that the initial start date for the  
15 contract became January 16th. Is that your understanding?

16 A. Yes.

17 Q. I take it you handed them over to Team 1?

18 A. Handed one over to Team 1.

19 Q. Right. And that was handed over in the U.S. or overseas?

20 A. In the U.S.

21 Q. Did you begin to learn what Team 1 was finding?

22 A. After a few days -- and, again, we couldn't get immediate  
23 results because we couldn't have any electronic transfer of  
24 information apart from the vaguest messages that, hey, we're  
25 setting up or we're proceeding, that type of thing. So, I had

L4KKEAS2

Waller - Redirect

1 to make a trip to Europe to get the first status report.

2 Q. Okay. When did you do that?

3 A. It is in my handwritten notes, and it's contained in the  
4 receipts, but it was around mid-January. It was about a week  
5 or so after the contract officially began.

6 Q. Would it help you to look at those notes?

7 A. Yes.

8 Q. Why don't you do that.

9 MR. GREIM: Your Honor, can the witness approach that  
10 binder?

11 THE COURT: Yes.

12 MR. GREIM: We don't need to publish these.

13 THE COURT: But we should indicate for the record by  
14 an exhibit number what the witness is looking at.

15 MR. GREIM: That's right. The witness is looking at  
16 Exhibit 57.

17 THE WITNESS: Okay. We delivered the drive to the  
18 Team 1 leader on January 24th, 2018, in the Washington, D.C.  
19 area. And it does not appear in these notes, but I went to  
20 Europe at the client's insistence several days later.

21 BY MR. GREIM:

22 Q. Well, do you recall making -- let's talk about that. Let's  
23 maybe work backwards from there.

24 Do you recall when you delivered the first initial  
25 thumb drive to Eastern Profit?

L4KKEAS2

Waller - Redirect

1 A. Yes.

2 Q. When was that?

3 A. That was -- I'm correcting myself. I received the drive  
4 from team leader one on January 24th.

5 Q. Very good.

6 And where was that? Overseas?

7 A. That was at French Wallop's house.

8 Q. I see.

9 And when did you then deliver that on to Eastern  
10 Profit?

11 A. I informed Lianchao Han that day that we had the drive and  
12 then made arrangements to provide it to Yvette.

13 Q. Did you ultimately do that a couple of days later?

14 A. Yes. In New York.

15 Q. Let's talk about that meeting with the Team 1 leader on the  
16 24th.

17 First of all, I think you corrected yourself. You did  
18 not give him the names on the 24th, you received information  
19 from him on the 24th?

20 A. That's correct.

21 Q. And this is the information you ultimately relayed to  
22 Yvette Wang?

23 A. Yes.

24 Q. Is there anything that Team 1 leader told you that you did  
25 not pass on to Lianchao Han or Yvette Wang?

L4KKEAS2

Waller - Redirect

1 A. Nothing material, no.

2 Q. Did you learn that Team 1 had had any difficulties in their  
3 first week of review?

4 A. Yes.

5 MR. CHUFF: Objection, your Honor; calls for hearsay.

6 THE COURT: Yes, the objection is sustained. The  
7 witness can testify as to what he said to Yvette Wang, but not  
8 what he learned.

9 MR. GREIM: Okay.

10 BY MR. GREIM:

11 Q. What did you -- let's start with Yvette Wang. What did you  
12 tell Yvette Wang -- first of all, did you tell Yvette Wang the  
13 things you were telling her you had learned from Team 1?

14 A. Yes.

15 Q. Did you tell Lianchao Han the things you learned from  
16 Team 1?

17 A. Yes.

18 Q. What did you tell Yvette Wang?

19 A. I told her that Team 1 reported to us that --

20 MR. CHUFF: Objection, your Honor.

21 THE COURT: I'm receiving it, but not for the fact  
22 that Team 1 actually said it to the witness. So it's not  
23 coming in for the truth, but there is a question in terms of  
24 whether there was frustration of purpose, et cetera, in this  
25 contract. So it's coming in for that limited purpose, but if

L4KKEAS2

Waller - Redirect

1 you want to introduce evidence with respect to the difficulties  
2 of the research, you're going to have to introduce it from a  
3 person who has direct percipient knowledge.

4 MR. GREIM: Understood.

5 What we're trying to establish is what was told to  
6 Eastern about the work that had been done.

7 THE COURT: So it's coming in not for the truth, but  
8 for the fact that that's what was said to Yvette Wang.

9 BY MR. GREIM:

10 Q. So, Dr. Waller, the question is: What did you tell Yvette  
11 Wang that you had learned from Team 1?

12 A. It was a status report at first for material that couldn't  
13 be related through a USB drive. It was to show that they found  
14 information that they verified not by computer means about --  
15 to give a status report on what they found. One of them was  
16 locations of certain offshore companies, one involved the  
17 passwords to a computer server run by Chinese Government, the  
18 server for CITIC, C-I-T-I-C, securities, and ways to access  
19 that server or not to. It also included -- and that was a real  
20 huge, huge --

21 Q. Dr. Waller, let's just list these, and we'll go back  
22 through them, okay?

23 A. Okay.

24 Q. So number one, we've got location of offshore companies?

25 A. Uh-huh.

L4KKEAS2

Waller - Redirect

1 Q. Second, we've got passwords to computer servers? And we'll  
2 come back to that.

3 A. Uh-huh.

4 Q. And then what else?

5 A. That they had started work -- the team was orienting itself  
6 on all 15 targets by just researching what could be found  
7 publicly. So if the researchers themselves could understand  
8 their targets, know who they are, know what they -- how they  
9 operated, and basically anything necessary to understand what  
10 you're researching. So this was all open-source, social media,  
11 or other types of media, public domain material, and then their  
12 own social media or related accounts, or those of others.

13 They said that there are gaps in place, they are  
14 finding gaps in some of the information that -- that Yvette  
15 Wang had provided us with those 15 names in this exhibit, and  
16 that some of the names, they said, were misspelled in Mandarin,  
17 that there was a -- a mass of invalid data that was hard to  
18 absorb and map, but they were doing it, and their mapping, they  
19 expect to come up with a hundred names and links very soon, but  
20 their challenge was that they were being given false names. So  
21 of those 15 names, three to four of them were inaccurate names  
22 or led to the wrong people. So that's a big differential in  
23 research if 20 to 30 percent of your names are not accurate.

24 Q. Dr. Waller --

25 THE COURT: Is the witness reading from a document

L4KKEAS2

Waller - Redirect

1 that's not in evidence?

2 MR. GREIM: I was just --

3 THE WITNESS: Pardon me.

4 MR. GREIM: -- going to establish that.

5 BY MR. GREIM:

6 Q. Dr. Waller, I see that you are -- as you're testifying,  
7 you're looking at DX 57.

8 A. Yes.

9 Q. So, my question is: Are these notes that you made when you  
10 were talking to the Team 1 leader in the January 24th meeting?

11 A. Yes.

12 Q. And then did you use those notes in conferring with Yvette  
13 Wang a few days later?

14 A. Yes. And with Lianchao that day.

15 Q. Okay. So, just so we're clear, you conferred with Lianchao  
16 about the January 24th meeting on January 24th; you conferred  
17 with Yvette Wang about that a couple of days later?

18 A. When I saw her in person.

19 Q. Both times, you used those notes?

20 A. Yes.

21 Q. And in reviewing the notes now refreshing your recollection  
22 about what you said to Yvette Wang and Lianchao Han?

23 A. Yes.

24 MR. CHUFF: Objection. I'm sorry, your Honor, I just  
25 want to make sure that your ruling as to the admissibility also

L4KKEAS2

Waller - Redirect

1 applies to these notes as well?

2 THE COURT: The notes haven't been offered yet, and I  
3 think they're just being -- I hear them being used to refresh  
4 recollection.

5 MR. GREIM: They may well be offered. I just want to  
6 keep going along.

7 BY MR. GREIM:

8 Q. Dr. Waller --

9 THE COURT: But, sir, if you're looking at a document  
10 to refresh your recollection, your job, as a witness, is, if  
11 you don't remember without looking at the document, you can, at  
12 your counsel's instruction, look at the document to see if it  
13 brings back a memory. If it brings back a memory, you should  
14 testify to your memory, whether or not the memory is identical  
15 to what's written on the document. If it doesn't bring back a  
16 memory even if you see it written on the document, then it  
17 means your recollection hasn't been refreshed, and your answer  
18 is, I don't have a memory.

19 Do you understand that?

20 THE WITNESS: Okay. Thank you.

21 BY MR. GREIM:

22 Q. And, Dr. Waller, let me be clear, then. Maybe I didn't go  
23 my final step here.

24 Is your memory of your discussion with the Team 1  
25 leader, and with Yvette Wang, and Lianchao Han refreshed by

L4KKEAS2

Waller - Redirect

1 reviewing these notes?

2 A. Yes.

3 MR. GREIM: I will move for the admission of -- we've  
4 got -- of Exhibit 57 in evidence.

5 MR. CHUFF: And, your Honor, I just ask that your  
6 ruling apply to those notes as well.

7 THE COURT: I'm going to be consistent in that I'm  
8 going to receive the exhibit subject to the motion to strike,  
9 and counsel will be aware that if there is a motion to strike  
10 as to this, the testimony about the testimony will be stricken  
11 if the exhibit is stricken. So you're proceeding at your peril  
12 in terms of making sure you've established a record.

13 MR. GREIM: Well, your Honor, in that case, I'm not  
14 going to -- I'm going to withdraw my moving this into evidence.  
15 We're going to rely on the witness' refreshed recollection as  
16 he reviews the document.

17 BY MR. GREIM:

18 Q. So, Dr. Waller, let's -- we talked about four things that  
19 you reported to Lianchao Han and Yvette Wang, Wang on the 24th  
20 Han on the 26th.

21 Did you report them any concerns about Chinese  
22 translators?

23 A. Yes.

24 Q. What did you tell them?

25 A. Well, that Guo had specifically instructed that we not have

L4KKEAS2

Waller - Redirect

1 any speakers of Mandarin on the research team, which, of  
2 course, made it a huge challenge to understand information that  
3 was being recovered by the people in Europe. So I conferred  
4 with Lianchao, and -- after Team 1, and Team 1 was able to get  
5 some retired European diplomats who spoke fluent Mandarin who  
6 were not of Chinese background, because Guo's idea was that so  
7 many ethnic Chinese might be spies for the CCP. That satisfied  
8 Lianchao acting as Guo's agent, so the Team 1 went and retained  
9 one and then a second linguist.

10 Q. So two linguists were retained for Team 1 as a result?

11 A. Yes. And a subject matter expert who understood the  
12 Chinese Communist Party's control structure and financial  
13 networks.

14 Q. When were those ultimately retained?

15 A. Immediately following that meeting with the Team 1 leader  
16 when he was still in town, I gave him instructions to go back  
17 and to employ them.

18 Q. When you told Lianchao Han that three to four of the names  
19 were fake or misspelled, what did he tell you in response?

20 A. He agreed that there were three or four names that were  
21 wrong on that list.

22 Q. How much time had already been spent, up to that point, on  
23 data mining for those three or four names?

24 A. A good week. A good week anyway.

25 Q. Let's go to the first issue here that you mentioned, the

L4KKEAS2

Waller - Redirect

1 location of offshore companies.

2 What about that did you tell Yvette?

3 A. I said they located offshore companies that Mr. Guo had not  
4 identified to us and asked if that would be of interest.

5 Q. Where were they?

6 A. The one I recall offhand was in Turkey.

7 Q. Were they offshore companies of one of the subjects?

8 A. Yes.

9 Q. So, what was Yvette's response?

10 A. She gave no instruction at all and just said this isn't  
11 good enough.

12 Q. Were there any other offshore companies that you reported  
13 to Lianchao or Yvette in this first set of meetings?

14 A. If I recall correctly, there were Cayman Islands companies  
15 and other Caribbean companies, some of them which Guo had  
16 identified to us in general in our personal meetings with him  
17 and some of them that the Team 1 had discovered on its own, or  
18 evidence of them that Team 1 had discovered on its own.

19 Q. What was Yvette's response to that disclosure?

20 A. It was all junk.

21 Q. What about Lianchao Han?

22 A. He said these are good leads, keep working on them. They  
23 were only leads.

24 Q. Is there anything else in this first category that you  
25 informed Lianchao or Yvette about in the first set of meetings?

L4KKEAS2

Waller - Redirect

1 A. The first category of subjects or --

2 Q. Yes.

3 A. The biggest one was the access to the Chinese Government's  
4 own, we call it, treasure house, they're CITIC.

5 Q. We'll come to that. That's our second category.

6 I take it, then, you can't recall anything else from  
7 the first --

8 A. Offhand, I can't.

9 Q. Do you recall anything about Panamanian companies?

10 A. Yes.

11 Q. Was that in this first meeting or the later one?

12 A. That was the later one.

13 Q. We'll come back to that later.

14 Let's talk about -- you had indicated -- you said  
15 CITIC. Is that the Chinese Government itself or a separate  
16 company?

17 A. Yes, it's a 100 percent state-owned company of the Chinese  
18 Government that's run by Chinese Communist Party officials.

19 Q. So why did you have Team 1 looking at CITIC?

20 A. That was a target of opportunity that we found. We had  
21 discovered it. It was also an object of interest to Guo, but  
22 it was not in the contract, but because of its colossal  
23 importance, we went and reported back, hey, we have access to  
24 this Chinese Government server, and then we asked for guidance.

25 Q. Now, why did you have to ask for guidance? Why not just go

L4KKEAS2

Waller - Redirect

1 in?

2 A. Well, there were two ways to do it on a foreign -- if it  
3 was -- first, if it was a private server, we wouldn't have done  
4 this, but it's a government server. The first one is to lay  
5 low and wait until you can find a way to get in through one of  
6 the people that you're watching. You can watch them access  
7 their email accounts on this server, and then get in. And,  
8 that way, you can go in without detection.

9 The second way is what's called a brute force attack.  
10 It's a hacker's term, which is, you know, just the way it  
11 sounds, but what that does is it sounds alarms on the server,  
12 causes the system either to shut down or erects new security  
13 protocols to prevent anyone from getting in, and then alerts  
14 the leaders of the entity, or at least the IT security people,  
15 to realize that someone's trying to access the server. That  
16 would defeat the whole purpose of trying to find out the  
17 information that was in there by these targets. So --

18 Q. Let me stop you.

19 So did you advise Yvette Wang about those consequences  
20 of each option?

21 A. Yes.

22 Q. Did you ask -- I take it you asked her for guidance on  
23 which one to do?

24 A. Yes.

25 Q. And what did she say?

L4KKEAS2

Waller - Redirect

1 A. She said go ahead and do the brute force attack.

2 Q. Okay. Did she go do it?

3 A. No.

4 Q. Why not?

5 A. Because it was in -- in conferring with Lianchao, it was in  
6 the interests of the client to -- to make sure you could get  
7 the information, not to shut down the means of breaking --  
8 breaking to get information.

9 I also went and asked permission for a legal review in  
10 the country in question to make sure this was legal in that  
11 country.

12 Q. Did you pay for that legal opinion?

13 A. Yes.

14 Q. Is that the legal opinion that Ms. Wallop referenced  
15 yesterday?

16 A. Yes.

17 Q. Ultimately, then, did you take any steps, after talking to  
18 Lianchao, to go around Yvette and try the low-key approach with  
19 the CITIC server?

20 A. Yes. Acting with his assent, Lianchao's assent, in the  
21 interests of the client's longer term goals, we did not do what  
22 Yvette insisted on.

23 Q. Did you ultimately gain access to that before the contract  
24 was terminated?

25 A. No.

L4KKEAS2

Waller - Redirect

1 Q. Let's go to the third category. You indicated that social  
2 media pages were pulled for all 15 targets?

3 A. Yes.

4 Q. And I probably didn't appropriately characterize your  
5 testimony, but let me just ask you: Were there any targets  
6 left out of that review?

7 A. There were some who didn't have social media accounts. And  
8 some, if you look at how social media is defined in the  
9 agreement, it's not all social media as we understand the term,  
10 it's other online media, some information was either  
11 conflicting or unavailable.

12 Q. Well, now, what about -- you testified that three or four  
13 were fake names?

14 A. Yes.

15 Q. Was information found on them?

16 A. On different people, with similar names or identical names.

17 Q. I see.

18 Now, when you mentioned the fake names to Yvette, did  
19 she promise to go back and get you replacement names or -- let  
20 me just ask you, what was her response?

21 A. She said our team was incompetent; she's not going to put  
22 up with this garbage.

23 Q. Now, this social media research, is that what was actually  
24 on the thumb drive that you got from Team 1 the first time?

25 A. The first time, yes.

L4KKEAS2

Waller - Redirect

1 Q. And if you were to put it into a computer, how would it  
2 display? How would you be able to see it?

3 A. Part of it was organized in folders, and part of it was  
4 not, and it was so there were 15 folders of each of the  
5 different individuals on the target list. But this was the  
6 only -- and I advised the client in advance, all it was was  
7 advance research for the purposes of Team 1 understanding who  
8 their targets were. So it wasn't a deep-dive research that was  
9 needed, but it was the foundation on which the social media  
10 research would be built.

11 Q. Now, you said you picked this up on the 24th from the  
12 Team 1 leader in Virginia?

13 A. Yes.

14 Q. And he'd have to come here from overseas; is that right?

15 A. Yes.

16 Q. The contract started on the 16th, correct?

17 A. Yes.

18 Q. Did you have any understanding as to the cutoff date for  
19 that first thumb drive? In other words, when did it have to be  
20 loaded onto the thumb drive for him to come over here and give  
21 it to you on the 24th?

22 A. It would have to be the day previous.

23 Q. I'm sorry?

24 A. It would have to be the day previous to his arrival in  
25 Washington.

L4KKEAS2

Waller - Redirect

1 Q. Well, when did he arrive in Washington?

2 A. He arrived the day of that meeting.

3 Q. Now, did Lianchao indicate whether he communicated this  
4 information on to Guo?

5 A. Yes.

6 Q. Did he tell you what Guo's response was?

7 A. Yes. He said Guo was angry, and we're all incompetent and  
8 trying to rip him off.

9 Q. Did Lianchao give you at least replacement names for the  
10 three or four that were fake or misspelled?

11 A. No. We requested them, but they never came.

12 Q. You know, I forgot to ask you, going back to my question  
13 about what was on the computer screen, so you said that some of  
14 the information was arranged in folders for the different  
15 subjects, but was there other information that was not in a  
16 specific folder?

17 A. Yes. Some of the -- anytime you do a dive for information,  
18 you're going to come up with things that are -- they still need  
19 to be sorted out before you put them in folders. The purpose  
20 of the folders was to account for which, quote, fish would go  
21 with which individual on the list, and that would establish the  
22 accounting system for the work product ultimately. This was  
23 just the foundational part of it, to make sure the client  
24 approved of the method of keeping track.

25 Q. By the way, did you hang on to another copy of that USB

L4KKEAS2

Waller - Redirect

1 drive?

2 A. No.

3 Q. So you gave the only copy to Eastern?

4 A. Yes. That was at their request.

5 Q. Did the information on this first drive include any of the  
6 data mining results?

7 A. No.

8 Q. Is there anything else that you communicated to Yvette or  
9 Lianchao in this first -- after this first meeting with the  
10 Team 1 leader?

11 A. Yes.

12 Q. What else?

13 A. One of the issues was that they discovered that the  
14 passport of one of the people on the list, it was a non-Chinese  
15 passport of a NATO ally, was a counterfeit passport, and this  
16 was established through the checks that -- the electronic  
17 research that Team 1 did, and then the Team 1 leader brought it  
18 to the embassy of the country in question, and talked to their  
19 intelligence station chief and said, hey, we found this  
20 passport, we think it's false.

21 That developed intense interest by this allied  
22 intelligence officer, who then thanked the Team 1 leader for  
23 discovering what, indeed, was a false passport. So I  
24 referred -- I informed both Lianchao and Yvette Wang to this  
25 effect, and, again, it's not something that you would get from

L4KKEAS2

Waller - Redirect

1 data mining, this was physically going to another embassy. And  
2 this was a great find because it shows how we've got a  
3 Communist Party person violating Communist Party rules by  
4 having a non-Chinese passport.

5 Q. What was Lianchao's response?

6 A. He thought it was great and thought we should keep moving.

7 Q. Did you?

8 A. Yes.

9 Q. Now, is there anything else from this first meeting?

10 A. I'm sure there are, but without referring to my notes, I  
11 can't recall.

12 Q. Well, this is our time right here, so I'm --

13 THE WITNESS: May I?

14 THE COURT: Yes.

15 The record should just reflect that the witness is  
16 looking at his notes -- you'll tell me the exhibit numbers -- to  
17 refresh his recollection.

18 BY MR. GREIM:

19 Q. Mr. Waller, are you turning again to Exhibit 57?

20 A. Yes.

21 Oh, pardon me, they found -- I don't see it here in  
22 these notes yet, but I was just reminded, they found -- Team 1  
23 found that there were other -- someone else online that seemed  
24 like various individuals or groups were searching for the same  
25 names at the same time, and some of these deep-dive searches.

L4KKEAS2

Waller - Redirect

1           So Team 1 was concerned of two things: First, are  
2 they -- they asked are there competitive teams to -- that are  
3 part of this project, and because if Team 1 persisted in its  
4 searches, it would risk detection or it could risk  
5 electronically compromising those other research teams if the  
6 Chinese intelligence services were looking for this type of  
7 research to be done.

8           They stopped their research to ask for instructions to  
9 make sure it would be safe and not compromise Mr. Guo's project  
10 for them to go ahead.

11 Q. Did you convey that question on, then, to Yvette and  
12 Lianchao?

13 A. Yes.

14 Q. What was Yvette's response?

15 A. She said to go ahead.

16 Q. What was Lianchao's response?

17 A. He -- I don't recall his exact response. I remember him  
18 saying he would check, but I don't remember if he also told us  
19 to go ahead.

20 Q. Did either of them confirm whether Mr. Guo did, in fact,  
21 have other competing teams looking into the same subjects at  
22 the same time?

23 A. Mr. Guo had told us personally in advance that he had other  
24 teams.

25 Q. But did either Yvette or Lianchao confirm when you raised

L4KKEAS2

Waller - Redirect

1 the question?

2 A. Well, I believe Lianchao said he thought he did. I mean,  
3 there was room for caution in the response, but Yvette said to  
4 go ahead anyway.

5 Q. So, did you instruct Team 1, then, to go ahead and keep  
6 reviewing?

7 A. Yes.

8 Q. Do you know how long Team 1 was down in their research  
9 because of that?

10 A. Well, it would take at least two days for the Team 1 leader  
11 to return -- get the answer from here, return back to the  
12 country, and then convey that to the team.

13 Q. Okay. Dr. Waller --

14 A. There was one other piece of data that was important as  
15 well, and that was that Team 1 detected who the client was.

16 Q. I'm sorry, Team 1 detected who the client was?

17 A. Yes.

18 Q. And by client, who do you mean here?

19 A. They detected Guo Wengui.

20 Q. How did they do this?

21 A. Well, we took measures to make sure that no one knew who  
22 the client was, again, to protect Mr. Guo's identity and his  
23 interests. They found that they -- and it was explicit with  
24 Team 1 that we would not say who the client was. The team  
25 leader came back and said: Is your client a guy named Guo

L4KKEAS2

Waller - Redirect

1 Wengui, or Miles Kwok, or Miles Guo?

2 We said: Why do you want to know?

3 They said: A lot of the information already exists  
4 online, and it traces exactly back to him and his operation.

5 Q. Did that concern you?

6 A. It was very concerning because one of the items was a  
7 portion of the very document shown in the exhibit with Anita  
8 Suen's name on it. The first person on that list of 15, that  
9 exact image was already existing online as part of Guo's  
10 previous media operations.

11 Q. Now, you say the image. Was it the full page or just her  
12 picture?

13 A. It was the full page with the text, the same text, the same  
14 color, the same fonts, everything.

15 Q. Now, what had Guo told you about this PowerPoint?

16 A. Guo said it was extremely secret and it cost a fortune to  
17 produce.

18 Q. Did he tell that you it was okay to share that publicly?

19 A. No, never.

20 Q. So, after you learned this from Team 1, what did you do?

21 A. I informed Lianchao, and I informed Yvette Wang.

22 Q. And what was Yvette Wang's response?

23 A. She said don't worry about it.

24 Q. What about Lianchao?

25 A. He was very concerned.

L4KKEAS2

Waller - Redirect

1 Q. Based on his response, did you believe he had understood  
2 the same as you about the confidentiality of the slides?

3 A. Yes.

4 Q. So, did you make any response to Team 1, then, after  
5 talking to Lianchao and Yvette?

6 A. I just said keep going. I didn't confirm or deny who the  
7 client was.

8 Q. So, is there any other information you gave Yvette or  
9 Lianchao after the first Team 1 meeting?

10 A. May I refer to my notes?

11 Q. Sure.

12 MR. GREIM: The witness is looking at DX 57.

13 THE WITNESS: They compared this to sucking up sand,  
14 this information collection effort, which was not a complaint,  
15 it was just an expression of how, instead of finding a mother  
16 load of something of great value, right away you have to vacuum  
17 up a whole lot of electronic sand. They requested further --

18 BY MR. GREIM:

19 Q. Now, hold on, Dr. Waller. My question is about what you  
20 told Yvette --

21 A. Yes.

22 Q. -- and Lianchao.

23 A. Yes. And they requested we ask the client for some more  
24 specific data to help them narrow things down and speed things  
25 up.

L4KKEAS2

Waller - Redirect

1 Q. What more specific data did they say they needed?

2 Well, let me ask you this: What more specific data  
3 did you tell Yvette and Lianchao?

4 A. They needed -- they requested an analytical document to  
5 help them understand greater context of what they would be  
6 looking for, so they wouldn't just be vacuuming up sand.

7 Q. What was Yvette's response to that?

8 A. Basically more of the same. If this is such a great team,  
9 why are they so incompetent.

10 Q. And Lianchao?

11 A. Lianchao understood exactly, and he kind of shrugged.

12 Q. By the time you spoke with Lianchao, you had already spoken  
13 with Yvette; is that right -- no, it's the other way around,  
14 you spoke to Lianchao first?

15 A. I spoke to Lianchao first.

16 Q. Have we exhausted the first set of meetings with Yvette and  
17 Lianchao to the best of your recollection here today?

18 A. To the best of my recollection, yes.

19 Q. Okay. Did there come a time that you got a second USB for  
20 delivery?

21 A. Yes.

22 Q. And when was that?

23 A. That was just a few days later. Yvette was very impatient,  
24 wanted more information, and insisted that I go and retrieve  
25 the next USB drive of information. That was just within two or

L4KKEAS2

Waller - Redirect

1 three days.

2 Q. So what did you do to retrieve the second USB drive?

3 A. So I flew to Ireland.

4 Q. Okay. And did you meet someone there?

5 A. Yes. I met the Team 1 leader there.

6 Q. What did you get from him?

7 A. I got a USB drive from him, where he had informed me, in  
8 advance, of the basic nature, so we could communicate vaguely  
9 on encrypted self-destruct text messages. So he said we got a  
10 lot of encrypted material that we haven't decrypted yet, so if  
11 you come and get it, it's not going to be of value until we  
12 decrypt it. I informed this to Yvette Wang.

13 Q. Were these the data mining results?

14 A. This was -- no, they hadn't been completed yet because of  
15 the nature of the time it takes to do. This was about 80 lines  
16 of encrypted code, computer code.

17 Q. Where had it come from?

18 A. It was from the dark web.

19 Q. So did you inform Yvette Wang of this before you flew to  
20 Dublin to get it?

21 A. Yes.

22 Q. And what was her response?

23 A. She said she didn't care, she just wanted me to go get it.

24 Q. So you did that?

25 A. Yes.

L4KKEAS2

Waller - Redirect

1 Q. Is this a drive you delivered to her in Penn Station?

2 A. Yes.

3 Q. On what date was that?

4 A. It was one of the last couple of days of January.

5 Q. Dr. Waller, what was on that drive?

6 A. Yes. It was only encrypted text that was illegible.

7 Q. Now, were any lines or parts of that code potentially of  
8 use?

9 A. Yes.

10 Q. What part?

11 A. Team 1 told us that there were 16 lines of code among the  
12 80,000 lines of code that would be usable.

13 Q. And what did -- how did Team 1 convey to you it would be  
14 usable?

15 A. They consisted of encrypted email addresses and passwords  
16 of Communist figures on Guo's list.

17 Q. So among the subjects?

18 A. Yes.

19 Q. Now, you said there were 16. We know that three or four of  
20 the names were fake. So, did you find the fake names as well,  
21 or were there others?

22 A. I don't know. There were 16 lines of code, not 16 people.

23 Q. So did you convey this to Yvette?

24 A. Yes.

25 Q. What was her response?

L4KKEAS2

Waller - Redirect

1 A. She said to go and get it anyway. So I went back --

2 Q. I'm sorry, did you convey the 16-line information?

3 A. Yes.

4 Q. The 16 lines?

5 A. Yes.

6 Q. What was her response to that?

7 A. She said it's all junk.

8 THE COURT: How do you convey 16 lines of code?

9 MR. GREIM: Well, your Honor, let me ask a better  
10 question.

11 BY MR. GREIM:

12 Q. Did you convey the information about the 16 lines of code  
13 to her?

14 A. Yes.

15 Q. And you actually handed her the flash drive?

16 A. Yes.

17 Q. There was no -- was there any way that Yvette herself could  
18 use the 16 lines of encrypted code?

19 A. Not to my knowledge.

20 Q. Did you tell her that Team 1 was working, though, on the 16  
21 lines?

22 A. Yes.

23 Q. And did you tell her what they were doing with it?

24 A. Yes. I said they told me that it would take about,  
25 roughly, six days each to decrypt each email address and

L4KKEAS2

Waller - Redirect

1 password. So it was not six consecutive days for all six, but  
2 they could all be done simultaneously, but it would take about  
3 six days.

4 Q. And you retrieved that information -- let me ask you this:  
5 What was the actual day you retrieved the information in  
6 Dublin?

7 A. I want to say January 30th. It might have been a day  
8 before, but January 29th or 30th.

9 Q. And the person who met you there had themselves traveled  
10 from somewhere else in Europe?

11 A. Yes.

12 Q. So, do you know when the information had been -- let me ask  
13 you this: Did the Team 1 leader tell you when the information  
14 had been loaded on to the drive?

15 A. It would have been that morning, when I arrived in Europe.

16 Q. So, at this point, we're, what, 13 days into the contract?

17 A. Yes.

18 Q. And did you express any concerns to the Team 1 leader that  
19 they weren't working fast enough?

20 A. I expressed the client's concerns that they weren't working  
21 fast enough, and this person's a computer engineer, and he was  
22 incredulous that it's simply not humanly or technically  
23 possible to work faster.

24 Q. Did you tell that to Yvette Wang?

25 A. I conveyed -- yes, something to that effect, yes.

L4KKEAS2

Waller - Redirect

1 Q. Is there anything else that you learned from the Team 1  
2 leader on January 30th that was different from your  
3 January 24th meeting?

4 A. Different?

5 Q. Or in addition to?

6 A. Probably. I don't recall.

7 Q. Well, earlier you mentioned the Panamanian issue. Is this  
8 when you learned that information?

9 A. No, this was -- they found a connection, but this related  
10 to Team 2, where there was actual -- a large amount of  
11 material, but they also did find a connection with a series of  
12 Panamanian front companies.

13 Q. Let me stop you. We'll come back to that later.

14 Did you have messages with Yvette Wang about the work  
15 that you conveyed to her with these first two drives?

16 A. Yes.

17 MR. GREIM: Can we put up -- let's start with  
18 Exhibit 21.

19 Q. And, Dr. Waller --

20 THE COURT: Can I ask a question, Mr. Greim?

21 MR. GREIM: Sure.

22 THE COURT: On the research agreement, there's a  
23 provision, remember, that says there will be a single line of  
24 communication between the contractor and the client. The  
25 individuals through which such communication will be made will

L4KKEAS2

Waller - Redirect

1 be identified upon the initiation of the contract.

2 Who was it that Eastern identified as the line of  
3 communication for them? And how did they identify that person?

4 THE WITNESS: It alternated between Lianchao Han, who  
5 lived near us in the Washington, D.C. area, and so we could  
6 just visit him that day within minutes, and Yvette Wang, up  
7 here in New York.

8 THE COURT: I mean, I understand those are the people  
9 you communicated with. My question goes to: Who from Eastern  
10 Profit conveyed who the line of communication was going to be,  
11 and what did it say? Or maybe there wasn't such a --

12 THE WITNESS: Yes. Yvette Wang said it in writing on  
13 one occasion that I recall in a text. But, previously, it was  
14 dealing directly with Lianchao, who talked to Mr. Guo, where  
15 Yvette Wang wasn't part of it. So we were working directly  
16 through that -- through Lianchao Han as the interlocutor with  
17 Guo.

18 THE COURT: And then Yvette Wang subsequently sent a  
19 message that said what?

20 THE WITNESS: Later on, we were instructed at a lunch  
21 at Guo's house, at his residence, in roughly the third week of  
22 January, that we would work only with Yvette Wang, and then  
23 subsequently on the 30th or so of January, in a text message,  
24 Yvette instructed me to only work with Lianchao.

25 THE COURT: Okay. Thank you.

L4KKEAS2

Waller - Redirect

1 BY MR. GREIM:

2 Q. Let's talk about that. Let's just pick up on that,  
3 Dr. Waller, and cut forward here a little bit faster. Let's  
4 talk about that meeting at Mr. Guo's apartment.

5 What did Mr. Guo say at that meeting?

6 A. At which meeting?

7 Q. The meeting that you just referenced in response to the  
8 Court's question.

9 A. He --

10 THE COURT: And when was this meeting?

11 THE WITNESS: This was sometime in the third week of  
12 January. I want to say the 24th, roughly, but I'm not quite  
13 positive of the date.

14 THE COURT: Okay.

15 THE WITNESS: I'm sorry, could you --

16 BY MR. GREIM:

17 Q. What did Mr. Guo say at this meeting?

18 A. It was at a lunch with French Wallop, Mr. Guo, Yvette Wang,  
19 and myself, and she related the instruction in Mr. Guo's  
20 presence that she would be the sole interlocutor.

21 Q. What did Mr. Guo say about the results at that meeting?

22 A. He was very upset. It was during that meeting, he was very  
23 upset that we hadn't come up with the mother load of material  
24 right away.

25 Q. And what did you tell him?

L4KKEAS2

Waller - Redirect

1 A. We tried to explain to him the way that it was all being  
2 set up. We hadn't expressed -- we hadn't told him face to face  
3 before, we only had through Lianchao or Yvette, and he was  
4 still very angry and said that he wanted the information now.

5 Q. Let's look now at Exhibit 21. If you look at -- I'm sorry,  
6 Exhibit 20. I apologize.

7 If you look at -- first of all, do you recognize  
8 Exhibit 20?

9 A. 20 is -- it looks like a text exchange. That's my handle  
10 on Signal, Pyratz. And I don't see the other pages, but it  
11 looks like the communication with Yvette.

12 MR. GREIM: I would ask the witness, it may be easier  
13 with these exhibits to use the binder in front of you, so you  
14 can flip back and forth.

15 THE WITNESS: Which exhibit number again?

16 BY MR. GREIM:

17 Q. 20.

18 A. Okay. Yes, this is communication between Yvette Wang and  
19 me.

20 Q. Do you recall trying to explain to Yvette the reason for  
21 the reports that you had made to her so far?

22 A. Yes.

23 Q. And do you recall trying to explain to her that you  
24 expected to find longer term, but not necessarily immediate  
25 results?

L4KKEAS2

Waller - Redirect

1 A. Yes. That was understood from the very start.

2 Q. Is that what you're communicating on the first page of  
3 Exhibit 20?

4 A. Yes.

5 Q. And then you see her response the next day, she says -- or  
6 the next message, "He said the biggest problem is that your  
7 people didn't even find the door after ten days, not mentioned  
8 about entering the door."

9 Do you see her concern there?

10 A. Which page was this?

11 Q. Just the very next page of Exhibit 20. Her response to  
12 your statement. It should say 263 at the bottom.

13 A. Yes.

14 Q. By the way, did you understand who she's speaking on behalf  
15 of here when she says "he"?

16 A. Yes. Guo Wengui.

17 Q. That was not Han Chunguang, to your understanding, was it?

18 A. No.

19 Q. Did you have concern at this point about the relationship  
20 of the parties?

21 A. Yes.

22 Q. What was your concern?

23 A. Well, we had now -- we had two points of contact that  
24 conflicted with one another, we had both designated by Mr. Guo.  
25 One was Yvette Wang; the other one was Lianchao Han.

L4KKEAS2

Waller - Redirect

1           Lianchao understood, really, everything. He  
2           implicitly understood it, and he -- and he understood the  
3           details. She seemed not to understand any of the details, but  
4           was just demanding information that we told them was literally  
5           impossible to produce in the startup time period.

6           Q. Did Ms. Wang tell you whether she had any experience with  
7           research projects like this?

8           A. No.

9           Q. Did she seem to have experience with research projects?

10          A. Not at all.

11          Q. Do you recall her, during this exchange at some point,  
12          telling you that a big budget was ready, and that investors  
13          could pay you even without a contract?

14          A. Yes.

15                 MR. GREIM: Can you pull up Exhibit 21, please.

16          Q. Unfortunately, we have a chain that was produced to us in  
17          these clips like this, but I'm just going to direct you. You  
18          see in gray at least a clip of your response, one of your  
19          messages to her?

20          A. Yes. Mine is light gray.

21          Q. And then she's in dark gray?

22          A. Yes.

23          Q. And you see she tells you, "Yes, as you know, big budget is  
24          ready for this long-term project. The investors can even pay  
25          your team without contract"?

L4KKEAS2

Waller - Redirect

1 A. Yes.

2 Q. What was your reaction to receiving that message from her?

3 A. It was twofold, because a lot of our work with Guo was  
4 understood in our conversations, and we would just go ahead and  
5 do it, but we still needed it within the framework of a  
6 contract to ensure payment. This was the first time we had  
7 heard anything about or that I had heard anything about  
8 investors and something outside the contract.

9 Q. Did you ever ask her who the investors were?

10 A. Yes.

11 Q. What did she say?

12 A. She refused to say.

13 Q. Let's go to the next page, the rest of her response.  
14 You'll see, it says, "But the investors would not continue to  
15 spend money on the things they don't need, for instance, the  
16 things of today."

17 Now, Dr. Waller, was this the day you had given her  
18 that second drive?

19 A. Yes.

20 Q. And then she says, "Checked with them. We have 20 days to  
21 update them two to three times, hopefully with the financial  
22 and tracking results agreed in contract. Even partly, but  
23 please be correct. Without above, the investors could not move  
24 to second month with us, and hard to do future with us, I'm  
25 afraid."

L4KKEAS2

Waller - Redirect

1 Do you see that?

2 A. Yes.

3 Q. What was your reaction to that?

4 A. Well, first of all, it told me that she somehow understood  
5 and accepted the complexities involved with the startup saying  
6 we have another 20 days to update whoever it was that was being  
7 updated. But the second one was disturbing because she said  
8 that without that precondition, quote, the investors could not  
9 move to a second month, which put an end to something, but it  
10 was just more of a hypothetical, but it was still a warning  
11 sign.

12 And I accepted that as the client showing they  
13 expected something more, but they were definitely giving us  
14 another 20 days to begin producing more to their satisfaction.

15 Q. When were you expecting the first payment on the contract?

16 A. On the 15th of February.

17 Q. And how much was that supposed to be under the contract, to  
18 your understanding?

19 A. That was supposed to be \$750,000.

20 Q. And so was Strategic Vision counting on that payment to  
21 continue paying its teams?

22 A. Yes.

23 Q. I should say its team?

24 A. Yes.

25 Q. Did you have any concern that the contract may get

L4KKEAS2

Waller - Redirect

1 prematurely terminated around this time?

2 A. No, we were not expecting it. We were not expecting it to  
3 be terminated because we expected to resolve the issues.

4 Q. Let me take you to Exhibit 22 now.

5 Do you see there -- and, again, is this a message from  
6 you to Ms. Wang?

7 A. Yes.

8 Q. And you say, "There was a disconnect we need to resolve.  
9 Our understanding was that the first 90 days would be for  
10 starting up and developing the data, with regular reports to  
11 him, so he can: (1) see the progress, and (2) critique the work  
12 so we can make necessary adjustments."

13 Did I read that right?

14 A. Yes.

15 Q. And was that your consistent understanding from negotiation  
16 through performance?

17 A. Yes. Including face to face with Mr. Guo.

18 Q. And do you see next, you say, "We did not understand that  
19 he expected actionable data in the first days or week"?

20 A. Yes.

21 Q. "Had we understood this, we would have told him that that  
22 is not how it works in our experience."

23 Did I read that right?

24 A. Yes.

25 Q. Was that true?

L4KKEAS2

Waller - Redirect

1 A. Yes.

2 Q. So you say, "So this is something that needs to be resolved  
3 fast," right?

4 A. Yes.

5 Q. Now, was it resolved fast?

6 A. No. We addressed it fast, and we produced results fast,  
7 but it wasn't resolved fast.

8 Q. What did you -- did you make any changes in the  
9 investigation work after this exchange?

10 A. Yes.

11 Q. What did you do?

12 A. We retained a different group in the United States to  
13 research using very different methodologies.

14 Q. By the way, I'm sorry, I skipped ahead a little too fast,  
15 Dr. Waller.

16 MR. GREIM: Exhibit 23, please pull that up.

17 THE COURT: I assume you're going to offer them at  
18 some point?

19 MR. GREIM: I will. I'm just going to do the whole  
20 sling here.

21 BY MR. GREIM:

22 Q. Do you see in Exhibit 23, Ms. Wang says, "Once again, I  
23 apologize for the straightforward translation of comments  
24 above. To be honest to each other, this is the only way to  
25 make the project happen. I hope you could share the same

L4KKEAS2

Waller - Redirect

1 feeling with us. Thank you."

2 Did I read that right?

3 A. Yes.

4 Q. And then your response: "Good to know. The reports are  
5 not actionable, but to show how the work is being executed,"  
6 and then you go on?

7 A. Yes.

8 Q. Was that your belief at that time?

9 A. Yes.

10 Q. You indicated you were starting cold?

11 A. Yes.

12 Q. What did you mean by that?

13 A. Meaning we had no corporate structure. We were not an  
14 existing -- we had no corporate structure to do this kind of  
15 work, that we had to create the teams from the start, which is  
16 what was part of our negotiations with Mr. Guo.

17 Q. Did you then ask for a meeting with Guo after the 30th for  
18 him to give guidance on whether to continue with the current --  
19 on whether to provide guidance?

20 A. Yes.

21 Q. Did that meeting happen?

22 A. No.

23 MR. GREIM: Now I move the admission of Exhibits 21  
24 through 23.

25 THE COURT: I take it no objection as to the

L4KKEAS2

Waller - Redirect

1 authenticity or the timing of each of these?

2 MR. CHUFF: None, your Honor.

3 MR. GREIM: I'm sorry, I wanted to add 20.

4 THE COURT: So, those are received subject to the  
5 motion to strike.

6 MR. GREIM: Just to be clear, I added 20. I just  
7 missed it.

8 THE COURT: 20 to 23 are received subject to the  
9 motion to strike.

10 (Defendant's Exhibits 20 through 23 received in  
11 evidence)

12 BY MR. GREIM:

13 Q. So, Dr. Waller, what did you do, then, to change or to  
14 supplement your research methods after this exchange?

15 A. We hired a firm in Texas with a completely different set of  
16 skill sets and methodologies to research names on the list.

17 Q. What do you mean by that, "completely different"?

18 A. So rather than do data mining and intrusive computer  
19 capabilities, this organization was working with other  
20 commercially available databases and contacts within the  
21 federal government.

22 Q. Was it your intent to keep using Team 1, but also to add  
23 Team 2?

24 A. Yes.

25 Q. Do you recall when you first met with Team 2?

L4KKEAS2

Waller - Redirect

1 A. It was just a couple of days after the meeting with Yvette  
2 Wang, so the first couple of days of February 2018.

3 Q. Where were they?

4 A. In Dallas, Texas.

5 Q. Did you fly down there to see them?

6 A. Yes.

7 Q. What did you discuss at that first meeting?

8 A. I presented them with that list of research names that were  
9 in the exhibit, so the 15 names with the 92 total, and then  
10 asked them to research a selection of those names to see what  
11 they do come up with using their own methods.

12 Q. Did you feel comfortable hiring this Team 2?

13 A. Yes.

14 Q. Why?

15 A. I had known members associated with the team for several  
16 years, and they came recommended through a colleague who I had  
17 worked with on China issues for, I had worked with him for many  
18 years, and he lived in Dallas.

19 Q. Did ASOG get back to you on the research?

20 A. Yes. ASOG was the company we retained to do research, and  
21 they got back to us within a week.

22 Q. How did they -- did they provide the information to you?

23 A. Yes. We flew down to Dallas to meet with them. They gave  
24 us -- we met with their entire research staff and management,  
25 we met for several hours, and they showed us the data that they

L4KKEAS2

Waller - Redirect

1 came up with, and they explained to us the context of all that  
2 data, but they would not provide us physical copies of the  
3 data.

4 MR. GREIM: Let's pull up Exhibit 56.

5 Q. Do you recognize this document?

6 A. Yes.

7 Q. What is it?

8 A. That's the invoice that what we called Team 2, ASOG,  
9 presented to us for the services rendered.

10 Q. And it looks like it came to Georgetown Research, Michael  
11 Waller?

12 A. Yes.

13 Q. That's you?

14 A. Yes.

15 Q. Do you see on the first page, under "Description," does  
16 this reflect the work that they told you that they did?

17 A. Yes.

18 Q. Now, I see there on the third bullet point, it says, "Track  
19 misinformation to the source to verify"?

20 A. Yes.

21 Q. Did they indicate to you what they meant by that?

22 A. Yes.

23 Q. What did they say?

24 A. They said some --

25 MR. CHUFF: Objection, your Honor. Statements by

L4KKEAS2

Waller - Redirect

1 Team 2 has already been recognized as hearsay in your Honor's  
2 motion in limine ruling, and it's irrelevant to go to the state  
3 of mind of ASOG.

4 THE COURT: Do you have the cites of my in limine  
5 ruling?

6 MR. CHUFF: Yes. It's Docket 310, page 2 -- page 1  
7 and 2.

8 THE COURT: Mr. Greim, do you want to respond?

9 MR. GREIM: Sure.

10 Your Honor, I'm doing the same thing I did before.  
11 The motion was on this record's protected designation. I'm  
12 trying to get from the witness what ASOG told him it did and  
13 found, and we're going to have testimony shortly -- and I can  
14 lay that foundation first -- that he conveyed this on to Yvette  
15 Wang and Lianchao Han.

16 THE COURT: But how is it anything other than hearsay  
17 with respect to -- if it's received from what ASOG did?

18 MR. GREIM: Well, it will be received for -- again, I  
19 can work backwards, as I did before with Team 1's results, but,  
20 no, this goes to what was communicated by ASOG, and the  
21 instructions that were then asked for from Yvette Wang and  
22 Lianchao Han, that because -- well, I won't say what the  
23 testimony will be.

24 THE COURT: Sorry, I cut you off. Go ahead.

25 MR. GREIM: The Court, in its ruling, said defendant

L4KKEAS2

Waller - Redirect

1 should be prepared to address whether the statements have any  
2 relevance taken only for the purposes of state of mind. Well,  
3 it's not coming in for the statement of ASOG's mind, it's  
4 coming in to explain what was learned and passed on to Lianchao  
5 Han and Yvette Wang about those names independent of whether  
6 ASOG actually did this work. The point is that it was passed  
7 on to Yvette Wang and questions were asked of her.

8 THE COURT: So, if that's the purpose for which you  
9 are trying to elicit this testimony, then I think the question  
10 is irrelevant, because whether ASOG said it to Mr. Waller or  
11 not, the question -- what you want to elicit is what Mr. Waller  
12 said to Yvette Wang. For all I know, and you won't ask this  
13 question, whether -- what Mr. Waller said to Yvette Wang is  
14 what Mr. Waller was told by ASOG, you'll just ask whether this  
15 is what he said.

16 MR. GREIM: Okay. I will ask that question, then.

17 THE COURT: Is there any objection to testimony with  
18 respect to what Mr. Waller said to Yvette Wang? That is, I  
19 assume, part of the deliverables. Maybe it doesn't satisfy the  
20 contract, but it's relevant to that question. Counsel?

21 MR. CHUFF: As long as it's not offered for the truth  
22 of the matter asserted.

23 THE COURT: Okay.

24 So, the objection to the question about what ASOG said  
25 to Mr. Waller is sustained. You can move on.

L4KKEAS2

Waller - Redirect

1 BY MR. GREIM:

2 Q. So I'm not going to ask you about what ASOG said to you,  
3 okay? I'm now going to ask you what -- I probably should have  
4 raised this a second ago. I'm going to ask you what you saw,  
5 what you saw, if you can recall that, and, again, you cannot  
6 tell me what ASOG told you.

7 What did you see in the second meeting at ASOG?

8 A. I saw a great deal of information, so I can't reconstruct  
9 all of it, but it included the tracking information, very  
10 detailed tracking information, it included that certain  
11 subjects on the list shared the same U.S. Social Security  
12 number, showing Social Security fraud and arguably tax fraud in  
13 the United States, it showed evidence of forged U.S. documents,  
14 official U.S. documents --

15 Q. Let me stop you.

16 Did they show you -- did you see photocopies?

17 A. Printouts, yes.

18 Q. Printouts.

19 Was it a printout on a piece of paper, or did you look  
20 on a computer screen?

21 A. They were printed out in color on paper.

22 Q. Were they presented to you in some sort of organized  
23 fashion?

24 A. Yes.

25 Q. And this was in a meeting?

L4KKEAS2

Waller - Redirect

1 A. Yes.

2 Q. Again, do not tell us -- as you're going through here, do  
3 not tell us what ASOG told you.

4 A. Okay.

5 Q. What else did you observe?

6 A. That they had a great deal of very useful, usable, and  
7 actionable information, which was exactly what Mr. Guo wanted.

8 Q. Why did you not take that information with you?

9 A. They would not -- ASOG would not allow me to.

10 Q. Did they tell you why they would not allow you to?

11 A. Yes.

12 Q. What did they say?

13 MR. CHUFF: Objection, your Honor.

14 THE COURT: Sustained.

15 BY MR. GREIM:

16 Q. Well, at any rate, you were not able to remove it and bring  
17 it back; is that right?

18 A. Yes, but it is stated on this --

19 Q. We can't --

20 A. Okay.

21 Q. By the way, did you ever show this invoice to Yvette Wang  
22 or Lianchao Han?

23 A. By that time, I had been instructed by Yvette Wang to not  
24 have any more contact with her -- this was on or about  
25 January 30th -- and to work solely with Lianchao Han.

L4KKEAS2

Waller - Redirect

1 Q. So by this point, you're back to working with Lianchao Han?

2 A. Yes.

3 Q. Did you show this invoice to Lianchao Han?

4 A. I believe I did. This was dated later than this immediate  
5 time. This was dated a couple of weeks later.

6 Q. Okay.

7 A. The invoice was dated a couple of weeks later.

8 Q. Now, ASOG was prepared to charge you about \$105,000?

9 A. Yes.

10 Q. And they only charged you \$5,412?

11 A. Yes.

12 Q. Do you have any understanding as to why that is?

13 A. Yes.

14 Q. Is it based on something ASOG told you?

15 A. I mean, I'd be happy to freely answer the question, but I  
16 understand the restrictions.

17 Q. It's just a yes or no. If it's yes --

18 A. I understand why.

19 Q. Is it based on something ASOG said to you?

20 A. Yes.

21 Q. All right.

22 Did you report the results of this to Lianchao, then,  
23 and not Yvette Wang?

24 A. Yes.

25 Q. What did you tell Lianchao Han?

L4KKEAS2

Waller - Redirect

1 A. I told him that I was told that it was illegal to obtain  
2 this information under federal law, given the nature of what  
3 was found.

4 Q. Did you tell him why it was illegal?

5 A. Yes.

6 Q. What did you tell him?

7 A. I was told that the five subjects on --

8 Q. No, no, I'm sorry.

9 Did you tell him -- don't tell us what you were told;  
10 tell us what you told Lianchao.

11 A. I told Lianchao Han that ASOG told me that it would be a  
12 federal crime to investigate the five subjects any further  
13 because the U.S. Government had classified those individuals  
14 as, quote, RP, or records protected.

15 Q. Did Lianchao appear to understand what "records protected"  
16 meant?

17 A. He didn't know what it meant, but when I explained to him  
18 what it meant, he agreed.

19 Q. Did you tell Lianchao anything about any federal agency  
20 that would have designated them records protected?

21 A. Yes.

22 Q. What did you tell him?

23 A. I told him that it was designated records protected by the  
24 NCS.

25 Q. What is the NCS?

L4KKEAS2

Waller - Redirect

1 A. That's the National Clandestine Service of the CIA.

2 Q. Now, did you independently know what that was?

3 A. Yes.

4 Q. What is the National Clandestine Service of the CIA?

5 A. It used to be called Directorate of Operations. That's the  
6 unit of the CIA that handles foreigners who have been recruited  
7 as human agents for the CIA.

8 Q. Did you tell Lianchao what the significance of records  
9 protected was?

10 A. Yes.

11 Q. What did you tell him?

12 A. I told him that there's a classification called records  
13 protected to protect foreign subjects from these types of  
14 database searches for the purpose of protecting their records,  
15 their personal records, against intrusion, either because they  
16 were subjects of a criminal or a national security  
17 investigation, or because they were not subjects of a pending  
18 criminal or national security investigation, to make it so that  
19 no one would know whether or not they were, and also to protect  
20 foreigners who had agreed to cooperate covertly with the United  
21 States Government.

22 Q. What was Lianchao's response?

23 A. He understood immediately, said we'll have to come up with  
24 some new names, and then we discussed how we would do that.

25 Q. You say we discussed how we'd do that. What did you

L4KKEAS2

Waller - Redirect

1 discuss?

2 A. Well, I said we can't search these names. I don't know the  
3 legality of it at all. This was this firm that had said it  
4 would be illegal for the firm to do. I obviously wasn't going  
5 to anything to undermine the U.S. Government's interests, so we  
6 had to brainstorm to figure out let's pull these fish out and  
7 put more fish in, to use the metaphor from the contract.

8 Q. Did you tell Lianchao about the kind of information that  
9 ASOG had showed you, but not let you take with you?

10 A. Yes.

11 Q. And what was that information?

12 A. That consisted of flight records, of certain financial  
13 records, meaning not the bank account statements themselves,  
14 but the fact that there were accounts at certain banks and  
15 financial institutions around the world. They included  
16 residences, properties. There was one person who was on the  
17 list, but not one of the 15, someone related to Anita Suen, who  
18 had retained an attorney in, I believe, Nebraska, who had set  
19 up scores, if not hundreds, of Panamanian front companies.

20 Q. And so did you ask Lianchao whether you could follow up on  
21 that lead?

22 A. He was enthused. He said this is exactly the kind of stuff  
23 we're looking for. It looked -- it was obvious that somebody  
24 was setting up huge numbers of Panamanian front companies,  
25 Chinese nationals doing it through Nebraska. That shows that

L4KKEAS2

Waller - Redirect

1 there's something wrong going on, and if it's against Communist  
2 Party rules, and we can expose it, let's do so.

3 So Lianchao agreed there was a lot of potential  
4 information from this haul.

5 Q. Now, did you understand that if you were able to get new  
6 names, that ASOG would continue to work or would work on the  
7 new names?

8 A. They were reluctant to continue work because they demanded  
9 to know who the client was.

10 Q. Did you tell them?

11 A. No, I was not allowed to, but they figured it out on their  
12 own.

13 Q. Well, we can't go into that.

14 So, did Lianchao go back and get new names from Guo?

15 A. No.

16 Pardon me. He went back to Guo, but he did not come  
17 back to us with new names.

18 Q. When did he come back to you?

19 A. Well, we kept talking throughout this whole time.

20 Q. Do you recall, did you end up having an in-person meeting  
21 with Lianchao in February?

22 A. Yes.

23 Q. When was it?

24 A. We met several times then, but we met with French Wallop at  
25 her home later, a couple of weeks later, to just go over where

L4KKEAS2

Waller - Redirect

1 we stand and what we do. He had told us, meanwhile, to stand  
2 down activities until he could resolve things with Guo. He was  
3 still acting as Guo's agent with us, but he gave us no further  
4 instructions.

5 Q. Now, by February 16th, had you received the first \$750,000  
6 payment?

7 A. No.

8 Q. Did you ever receive that?

9 A. No.

10 Q. What was -- how did that affect your investigative  
11 operations?

12 A. That prevented us from continuing with Team 1 because we  
13 were paying them one month in advance, and so we had no way to  
14 plan ahead for anything.

15 Q. So, by this point, how much had you paid Team 1?

16 A. We had paid them 200 -- it was discussed yesterday  
17 specifically, but, roughly, between 200 and \$250,000.

18 Q. And --

19 THE COURT: Mr. Greim, when you come to the end of  
20 this line of examination, we'll take a break.

21 MR. GREIM: Okay.

22 I'm sorry, I wanted to be done. We're almost there.

23 BY MR. GREIM:

24 Q. What was their monthly fee?

25 A. \$200,000.

L4KKEAS2

Waller - Redirect

1 Q. So was their next 200,000 due in mid-February?

2 A. Yes.

3 Q. Were you counting on the \$750,000 to pay them?

4 A. Yes.

5 Q. Did you ask Lianchao whether you should go forward and try  
6 to come up with the money?

7 A. Yes.

8 Q. What did he say?

9 A. He said, just wait, let me try to work it out.

10 Q. And what's the next thing you heard from Guo's side?

11 A. Apart from through Lianchao?

12 Q. Well, let's say from Lianchao, what's the next thing you  
13 heard?

14 A. Lianchao was very upset. He was upset that the project  
15 wasn't going ahead. He seemed more upset for us than anything  
16 else because he himself was personally very enthused about the  
17 project, and he had no answers to give us of any kind.

18 Q. So, did you then recall receiving a termination letter?

19 A. Yes.

20 Q. When was that?

21 A. That was on February 23rd, 2018.

22 Q. So just a week after this meeting with Lianchao?

23 A. Yes.

24 MR. GREIM: Your Honor, I do just have a question for  
25 the witness about -- well, I actually -- it's kind of a new

L4KKEAS3

1 area. It might take ten or fifteen minutes.

2 THE COURT: Okay. Let's reconvene at 2:00 o'clock.  
3 We'll take a break at this time for lunch.

4 Everybody, make sure to be back in your seats well  
5 before 2:00 o'clock, so we can get started on time.

6 (Luncheon recess)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

L4KKEAS3

Waller - Redirect

AFTERNOON SESSION

2:01 PM

(Trial resumed)

THE COURT: Dr. Waller, you're reminded that you're under oath.

Mr. Greim, you may inquire.

REDIRECT EXAMINATION

BY MR. GREIM:

Q. Dr. Waller, we just spent a good part of the day talking about what you received and what you passed on to Yvette Wang and Lianchao Han. I now want to show you the final page of the parties' stipulation. These are our joint proposed findings. I want to focus you on 54 through 57.

So, you'll see, 54 through 56 are all similar; they relate to "financial forensic historical research, current tracking research," and then 56 is "social media research."

Do you see that?

A. Yes.

Q. Each one of them says, "Strategic never delivered to Eastern any," then they name the research, "called for under the research agreement." Do you see that?

A. Yes.

Q. Do you agree with that statement?

A. Yes.

Q. Under the research agreement, we saw that -- we saw, in

L4KKEAS3

Waller - Redirect

1 fact, that research could only be delivered on a USB drive?

2 A. Yes.

3 Q. And we saw some other requirements, including that there  
4 was a tight time frame for the provision of the different kinds  
5 of research, correct?

6 A. Yes.

7 Q. And we saw that, at least as it's called for under the  
8 research agreement, Strategic wasn't able to deliver those  
9 things to Eastern, right?

10 A. Yes.

11 Q. And Strategic was unable to prepare any detailed reports,  
12 as we see in paragraph 57, right?

13 A. Yes.

14 Q. What was Strategic able to give Eastern?

15 A. We were able to give Eastern the very best information we  
16 could under very extreme circumstances.

17 Q. I want to move now, Dr. Waller, to damages.

18 MR. GREIM: Let's pull up Exhibit 64, which you'll get  
19 in the Waller set. And if you could, go to page 2.

20 Q. Dr. Waller, you sat here throughout yesterday as Ms. Wallop  
21 testified to these funds coming out from the Strategic Vision  
22 account?

23 A. Yes.

24 Q. And if you look at the right-hand column of her chart, you  
25 see that 200 went to Cyber Sol?

L4KKEAS3

Waller - Redirect

1 A. Yes.

2 Q. And that came to Cyber Solutions, right?

3 A. Yes.

4 Q. That was your entity?

5 A. Yes.

6 Q. And then 25,000 to GRG?

7 A. Yes.

8 Q. And then 200,000 to GRG?

9 A. Yes.

10 Q. Now, which of those wires did you send along to Team 1?

11 A. I sent the 25,000 to GRG and the 20,000 to GRG.

12 Q. If we keep going --

13 A. Pardon me, the 200 to GRG.

14 Q. The 200,000.

15 If we go to the May --

16 THE COURT: That's Team 1?

17 THE WITNESS: Yes.

18 BY MR. GREIM:

19 Q. And the Cyber Solutions --

20 A. GRG was the cutout to pay Team 1.

21 Q. And the Cyber Solutions, you did not disburse to others,  
22 correct?

23 A. Yes.

24 Q. What was that to pay for?

25 A. That was for my own time and effort in the program and

L4KKEAS3

Waller - Redirect

1 risk.

2 Q. That was not just pure profit for you, was it?

3 A. No.

4 Q. And then if you go to June 2018 --

5 MR. GREIM: Could you flip forward? Actually, I went  
6 too far. Go to May.

7 Q. Do you see 15,000 to GRG?

8 A. Yes.

9 Q. Where did that money go?

10 A. That was to pay an outstanding bill.

11 Q. Was this the legal bill we talked about earlier?

12 A. Yes.

13 Q. And now we can go to June.

14 50,000 to what Ms. Wallop wrote as OE. Did you  
15 receive 50,000 for OA at that time?

16 A. Through an LLC I had at the time called Oceanic Advisors.

17 Q. What was that money spent for?

18 A. That was to wrap up Team 1, to satisfy them that that was  
19 the end of the contractual arrangement.

20 Q. I'm sorry, why did you have to pay Team 1 at that time?

21 A. Because we had an abrupt end -- there was going to be no  
22 payment, all of a sudden, for the second month. They were very  
23 upset and disgruntled. They felt they had been cheated. So  
24 this was settling their claim, so that they would not expose  
25 the existence of the project.

L4KKEAS3

Waller - Redirect

1 Q. Let me ask you now -- I'm going -- thank you, Dr. Waller.  
2 I just want to move very briefly to your testimony regarding  
3 the fraud claim that Mr. Chuff asked you about.

4 Do you recall testifying yesterday that close ties  
5 between a person in the U.S. and China are not enough alone to  
6 raise concerns about their dissident status?

7 A. Yes.

8 Q. Did I portray that accurately just now?

9 A. Yes.

10 Q. You indicated there was something more needed. Do you  
11 recall that?

12 A. Yes.

13 Q. What is that something more?

14 A. That's the nature of the relations and the intent behind  
15 the relations.

16 Q. So, I don't want to go through all of our evidence, I just  
17 want to use one example, Dr. Waller.

18 You recall being asked about the May 2017 meeting  
19 between Guo Wengui and some members of the CCP policy row and  
20 PRC?

21 A. Yes.

22 Q. How did you know about that before the contract was  
23 executed?

24 A. Mr. Guo had told me about it.

25 Q. And had there been press written about it, too?

L4KKEAS3

Waller - Redirect

1 A. Yes.

2 Q. What did Mr. Guo tell you about that meeting?

3 A. He said that the senior party and secret police officials  
4 came to him to threaten him with kidnapping.

5 Q. This is at his own apartment in New York City?

6 A. Yes.

7 Q. And have you seen that he's made that claim many, many  
8 times?

9 A. Yes.

10 Q. Now, before you entered the contract, you had just heard  
11 Guo's version of the story, correct?

12 A. Yes.

13 Q. Did you come to find out that -- and, by the way, do you  
14 recall Guo saying he had some recordings of it?

15 A. Yes.

16 Q. Did you come to actually find some of the recordings and  
17 view the transcriptions of them?

18 A. Yes.

19 Q. When you say something more was required, did you find the  
20 something more in reviewing those recordings?

21 A. Yes.

22 Q. What was it?

23 A. That it wasn't a threat against Guo, that he had stated in  
24 his own voice that he had cut a deal with the Communist Party,  
25 and that he would limit his whistleblower campaign to certain

L4KKEAS3

Waller - Recross

1 targets, and that he had not stepped beyond a certain  
2 agreed-upon line that he had previously made with the  
3 communists.

4 Q. And did you -- sticking with the theme of something more,  
5 did you see any other recording by Guo after May 2017 in which  
6 he said something similar?

7 A. Yes. In late August of 2017, he had a written statement,  
8 and then a video that he made of himself, proclaiming his  
9 loyalty to the Chinese Communist Party and to Chairman Xi  
10 Jinping personally.

11 MR. GREIM: Thank you. No further questions,  
12 Dr. Waller.

13 THE COURT: Any reexamination?

14 MR. CHUFF: Yes, your Honor.

15 THE COURT: You may proceed.

16 RECROSS EXAMINATION

17 BY MR. CHUFF:

18 Q. Good afternoon, Dr. Waller.

19 Now, earlier today, you testified that you trusted  
20 Lianchao Han; is that correct?

21 A. Yes.

22 Q. And that he was credible?

23 A. Yes.

24 Q. And you were at Lianchao's deposition; isn't that right, in  
25 this case?

L4KKEAS3

Waller - Recross

1 A. Pardon?

2 Q. You attended Lianchao Han's deposition in this case; isn't  
3 that right?

4 A. Yes.

5 Q. Now, a number of times earlier today, you characterized  
6 Lianchao Han as Guo's helper. Do you remember that?

7 A. Yes.

8 Q. And you called him his agent?

9 A. Yes.

10 Q. Now, do you remember that Lianchao actually testified that  
11 he was merely serving as an intermediary between the two  
12 parties, not Guo's agent?

13 A. Yes. Well, let me correct that. I would have to see the  
14 actual wording first.

15 Q. Well, do you remember that?

16 A. I can't recall specifically to give you a yes or no.

17 Q. Sure. Okay.

18 MR. GREIM: So let's pull up Lianchao Han's deposition  
19 transcript of August 28, 2019, and turn to page 160.

20 Q. So Lianchao Han was asked: "What was your role here? Did  
21 you see yourself as an intermediary between the two sides or as  
22 a representative of Guo?"

23 Lianchao answered: "I think I'm a person to  
24 facilitate this project. I'm a friend on both sides. I have  
25 no financial interest in there. My entire thing is driven by

L4KKEAS3

Waller - Recross

1 political agenda. So I just want to get the things done, you  
2 know, achieve what we said we're going to do. That's it."

3 Did I read that correctly?

4 A. Yes.

5 Q. Now, you also testified that Lianchao told you that the USB  
6 drives that Strategic delivered to Eastern were "good leads";  
7 is that correct?

8 A. Yes.

9 Q. And, in fact, you testified that he said they were great;  
10 isn't that correct?

11 A. No. He said that the information -- the leads that we were  
12 developing were great. He wasn't specifically referring to  
13 information on a drive.

14 Q. I want to refer you back to Lianchao Han's deposition  
15 transcript, this time page 275. I'm going to start with line  
16 15. Mr. Han was asked: "Let me try it again. Looking at this  
17 first full paragraph on the second page, it says, 'The  
18 contractor will produce a progress report on the financial  
19 forensic research each week in the first month, one preliminary  
20 report in the first month, and one comprehensive historical  
21 research report within three months, and with update reports in  
22 each following month. The client may require reports per  
23 individual subject to the client within a specified time frame  
24 as well as all relevant data.' Do you see that?"

25 He responded: "Yes."

L4KKEAS3

Waller - Recross

1           Then he was asked: "I'll ask you again. Did  
2 Strategic Vision deliver weekly reports within the first month  
3 of the agreement?"

4           He responded: "No."

5           Then he was asked: "If you look further down the  
6 page, it says, 'The contractor will produce social media  
7 research per individual subject to the client on a weekly basis  
8 for the first month and on a monthly basis except under  
9 circumstances that require more frequent reporting (weekly or  
10 fortnightly) as the client directs or irregular emergencies  
11 that the contractor may discover.' Do you see that?"

12          Mr. Han responded: "Uh-huh."

13          Then he was asked: "Did Strategic Vision deliver  
14 weekly reports during the first month of the agreement  
15 concerning social media research?"

16          And he responds: "No."

17          Further down, he is asked: "And if you look in the  
18 middle of the page there again, we're on page number 6, the  
19 middle paragraph says, 'The contractor will produce concurrent  
20 tracking research per individual subject to the client on a  
21 monthly basis except in the first month. That weekly report  
22 shall be delivered under circumstances that require more  
23 frequent reporting (weekly or fortnightly) as the client  
24 directs up to six-month period.' Do you see that?"

25          He responds: "Yes."

L4KKEAS3

Waller - Recross

1           Then he's asked: "Did Strategic Vision deliver weekly  
2 reports on tracking research per individual subject during the  
3 first month of the agreement?"

4           He responds: "No."

5           Then he's asked: "Okay. Did there come a time when  
6 Strategic Vision delivered a 60-gigabyte hard drive of data to  
7 Eastern Profit?"

8           He responds: "Yes."

9           Now we're on page 278. He's asked: "And what was on  
10 the hard drive?"

11          He responds: "It's lots of junk information."

12          Then he's asked: "Was any of that information the  
13 kind of useful reporting that Eastern Profit would have  
14 expected under this agreement?"

15          He responds: "No."

16          Dr. Waller, did I read all of that correctly?

17          A. Yes.

18          Q. Changing topics here a little bit:

19               Earlier today, you testified that you told Lianchao  
20 Han that individuals on the subject list were not able to be  
21 investigated by Allied Special Operations Group, or ASOG,  
22 because they were so-called record protected status; is that  
23 right?

24          A. Yes.

25          Q. And if I refer just to Team 2, will you understand that I'm

L4KKEAS3

Waller - Recross

1 referring to ASOG?

2 A. Yes.

3 Q. Now, before Team 2 told you that the individuals on the  
4 subject list were records protected, you'd never heard of that  
5 term before; isn't that right?

6 A. Correct.

7 Q. And you don't know the legal source of the records  
8 protected status other than what ASOG, Team 2, told you; is  
9 that correct?

10 A. No.

11 Q. You didn't first learn of the records protected status and  
12 its legal origins from ASOG?

13 A. I first learned of it from ASOG.

14 Q. And you don't have any documentation evidencing the  
15 so-called records protected status of the subjects, right?

16 A. Yes.

17 Q. Yes, you don't have documentation?

18 A. Yes, I do.

19 Q. Was that documentation produced in this litigation?

20 A. Yes, it was.

21 Q. What document is that?

22 A. It was on the ASOG invoice of February --

23 Q. Okay. I'm sorry, Dr. Waller, I jumped in.

24 THE COURT: The witness was still giving an answer.

25 Q. You can finish. I'm sorry.

L4KKEAS3

Waller - Recross

1 A. It was on the ASOG invoice, on page 2, of February 2018.

2 Q. So, other than what ASOG wrote in its invoice, do you have  
3 any other documentation of the records protected status  
4 designation?

5 A. Only what they told me, that I was directed not to repeat  
6 in court.

7 Q. Right.

8 So we're just talking about documentation here. So  
9 other than that invoice, any other documentation?

10 A. That's the sole documentation.

11 Q. But it's your contention that it was illegal to obtain this  
12 information, right?

13 A. That is what we were told.

14 Q. Yet, Team 2 somehow amassed a treasure trove of all of this  
15 actionable information; isn't that right?

16 A. Yes.

17 Q. So, did ASOG violate the law?

18 A. No.

19 Q. Well, you testified it was illegal to obtain this  
20 information, did you not?

21 A. It was illegal to -- it was illegal to pass it on. They  
22 obviously obtained it legally; they just could not pass it on  
23 legally.

24 Q. Sir, you testified earlier that these individual subjects  
25 were records protected, and it was illegal to obtain

L4KKEAS3

Waller - Recross

1 information about them; isn't that right?

2 A. It was illegal to obtain it if you knew they were RP. They  
3 obtained it, and then they were warned that the people were RP.  
4 So, as far as I'm concerned, I don't know of any illegality.

5 It would have been illegal for them to pass it to me,  
6 and it would be illegal -- I don't know if it would have been  
7 illegal any further. So I went back to the client and said,  
8 it's illegal, please give me instructions on what to do.

9 Q. So let's just break that apart.

10 You just confirmed that it was illegal to obtain  
11 information on records protected parties; is that right?

12 A. The way it was explained to me, it was illegal for them to  
13 pass me the RP designated material.

14 Q. I know. And we went over this a few seconds ago.

15 You testified that you confirmed that it was  
16 illegal -- to your understanding, that it's illegal to obtain  
17 information about records protected designated subjects?

18 A. It is illegal for that firm to pass me, meaning to allow me  
19 to obtain, RP information.

20 Q. Okay. Do you have a citation to this record protected  
21 status designation?

22 A. No.

23 Q. Do you know a statute that sets forth this records  
24 protected designation?

25 A. No.

L4KKEAS3

Waller - Recross

1 Q. Codified federal regulation?

2 A. No.

3 Q. And despite the fact that ASOG, apparently, somehow  
4 obtained all this treasure trove of information and provided it  
5 to you, it didn't charge you for it?

6 A. It charged just a nominal fee for it.

7 Q. But despite having all of this information that it showed  
8 you?

9 A. Yes.

10 Q. And it didn't charge you \$200,000 of setup costs either,  
11 did it?

12 A. No. It was a freestanding research organization that had  
13 already had its own team and its own methods.

14 Q. Now, earlier today, you also testified that you told Yvette  
15 Wang that Team 1 told you of various problems that Team 1 had  
16 while investigating. Do you recall testifying that?

17 A. Yes.

18 Q. You spent a lot of time on that today, right?

19 A. Yes.

20 Q. But at your deposition, you testified that Team 1 did not  
21 encounter any problems that were not standard. Do you recall  
22 that?

23 A. Yes. It's always standard to have irregularities.

24 Q. I'm sorry, there's no question pending.

25 THE COURT: Now, you can complete your answer,

L4KKEAS3

Waller - Recross

1 Dr. Waller.

2 THE WITNESS: Thank you, your Honor.

3 The answer is that it is standard, it's to be  
4 expected, that you're going to -- you're likely to encounter  
5 substantial difficulties when initiating a complicated research  
6 project.

7 BY MR. CHUFF:

8 Q. Okay. Standard is not irregular, is it?

9 A. Yes, it is. It's an irregularity in terms of scheduling.

10 Q. Standard is the same thing as irregular?

11 A. It is considered normal to find difficulties when you're  
12 doing a complex research project, just as it would be if you're  
13 developing a legal case.

14 Q. Okay.

15 A. Okay. So you -- however, it is irregular in terms of the  
16 schedule. It will create irregularities in the schedule.

17 Q. Okay. My question is: Is standard the equivalent of  
18 irregular?

19 A. Not in the sense that you're trying to imply. It is  
20 standard to expect irregularities.

21 Q. Also, earlier today, you testified that the deposit in the  
22 research agreement was nonrefundable; is that correct?

23 A. Yes.

24 Q. But the research agreement does not say that anywhere, does  
25 it?

L4KKEAS3

Waller - Recross

1 A. It says that the -- well, I'd have to see the research  
2 agreement in front of me.

3 Q. We can bring it up in a second, but do you recall --

4 A. I don't want to rely on memory for the document. I'd  
5 rather see the document.

6 Q. Sure. We can bring it up.

7 MR. CHUFF: Can we please pull up PX 01.

8 Q. So, take as much time as you want. Please point to the  
9 provision where it says the deposit is nonrefundable.

10 A. It says, "The client will pay the contractor a deposit of  
11 U.S. \$1 million upon signing of the contract. The deposit will  
12 be credited on a prorated basis to the final one and one-third  
13 months of the contract."

14 Q. And credited for work done?

15 A. For the final one and one-third months of the contract.

16 Q. For work that's done?

17 A. The sentence says what it's says.

18 Q. Okay. That doesn't say nonrefundable, does it?

19 A. It says it's going to be credited for the final one and  
20 one-third months of the contract.

21 THE COURT: You really need to be spending time  
22 cross-examining the witness on what a document says? Why don't  
23 you move on.

24 Q. And the research agreement doesn't anywhere provide that  
25 for payment of startup costs?

L4KKEAS3

Waller - Recross

1 A. I'm sorry, what do you mean by the question?

2 Q. Does the research agreement provide that startup costs are  
3 to be paid to Strategic?

4 A. That was our specific explicit understanding with Mr. Guo,  
5 which is why Strategic required the initial \$1 million deposit.

6 Q. Just not explicit in this agreement?

7 A. Mr. Guo's name isn't even in the agreement.

8 Q. And you admitted yesterday that the deposit was not a  
9 signing bonus; isn't that correct?

10 A. Yes.

11 Q. Now, you also testified earlier today that the research  
12 agreement provided for a flat \$750,000 fee regardless of  
13 performance; isn't that correct?

14 A. Let's see the document again.

15 Q. Well, isn't that what you testified today?

16 A. Let's see the document again.

17 Q. No. I'm just asking, is that what you testified?

18 A. It's a flat \$750,000 per month fee. It's a flat rate to  
19 absorb any anomaly.

20 Q. Now, yesterday, you testified that the payment was tied to  
21 deliverables and that no payment would be due unless the  
22 deliverables were provided. Do you recall testifying that way?

23 A. No, I don't recall testifying that.

24 MR. CHUFF: If we could turn to the trial transcript  
25 from yesterday, page 194.

L4KKEAS3

Waller - Recross

1 THE COURT: Could you please try to make sure your  
2 mask is adjusted, so it stays on, counsel.

3 MR. CHUFF: Yes.

4 194.

5 BY MR. CHUFF:

6 Q. So, yesterday, I asked: "Now, if a deliverable was not  
7 provided to Strategic, no payment would be due under the  
8 research agreement"; is that correct?

9 A. I believe I corrected that this morning in testimony. I  
10 was saying this from faulty memory yesterday, not from reading  
11 directly from the agreement. So my testimony from earlier this  
12 morning addresses this precisely.

13 Q. Okay. So let's put this down, and we'll go to another  
14 document.

15 MR. CHUFF: Let's take a look at PX 19. Actually,  
16 PX 18, I'm sorry.

17 Q. Now, Dr. Waller, you testified earlier that these are your  
18 handwritten notes, correct?

19 A. Yes.

20 Q. And they detail your experience with this research  
21 agreement; is that correct?

22 A. They detail the meetings that led to the development of the  
23 agreement and then later the execution.

24 Q. Okay.

25 MR. CHUFF: If we could turn to page 9, please.

L4KKEAS3

Waller - Recross

1 Q. Now, Dr. Waller, I direct your attention just to the top  
2 line there. You see it says December 10th?

3 A. Yes.

4 Q. Is that December 10th, 2017?

5 A. Yes.

6 Q. Shortly before the research agreement was signed?

7 A. Yes.

8 MR. CHUFF: If you can scroll down for me towards the  
9 bottom of the page. Right there, that's good.

10 Q. Now, on this page, you just generally describe certain of  
11 the terms that are being negotiated; is that correct?

12 A. There are certain ideas that were being discussed. I don't  
13 recall that they were all terms being negotiated.

14 Q. Okay. Do you see the fifth line up on this page?

15 A. Uh-huh.

16 Q. You wrote, "Down payment one time. Future is based on  
17 deliverable." Did I read that correctly?

18 A. Yes.

19 MR. CHUFF: If we can go to the next page, page 10.

20 THE WITNESS: That was December 10th? Was that -- I  
21 can't see the date of the document.

22 Q. Yes.

23 A. Okay.

24 Q. That's what it says at the heading. On the top line,  
25 rather.

L4KKEAS3

Waller - Recross

1 Do you see that?

2 A. Yeah.

3 Q. Okay.

4 MR. CHUFF: And then if we could go to page 10. A  
5 little bit down. Right there.

6 Q. So, up from the part that's been redacted, four lines up,  
7 you see the line that says, "Will pay"?

8 A. Yes.

9 Q. So you wrote, "Will pay down payment first. Remainder upon  
10 delivery. Give a line item for A, B, and C."

11 Did I read that correctly?

12 A. Yes.

13 Q. And that's exactly what happened in the contract, right?  
14 There was a line item, A, B, and C; isn't that correct?

15 A. Well, there are two different things in what you're -- in  
16 this section that you're asking me about.

17 Q. I'm just asking you right now: In the research agreement,  
18 there were three lines, A, B, and C, for pricing?

19 A. Yes, three line items.

20 MR. CHUFF: Could we pull up PX 01, please.

21 And could we go to page 4, the sixth paragraph.

22 Q. So here is the A, B, C line items, right? And they say --

23 A. I can't see the hole on the top.

24 Q. I'm sorry?

25 A. Where the cursor was or where the letters are?

L4KKEAS3

Waller - Recross

1 Q. The three letters, they're highlighted.

2 A. Okay.

3 Q. Do you see that?

4 And these are the three line items that were just  
5 referred to in the notes, right?

6 A. Yes.

7 Q. And they say, "Comprehensive" --

8 A. Well, let me make a correction. They might or might not be  
9 the three line items in the notes because we were just still  
10 talking about putting this together in the notes. So I cannot  
11 say conclusively whether these correspond directly with the  
12 hypotheticals we were still discussing in the notes.

13 Q. Okay. The notes said have a line item for A, B, and C?

14 A. Correct. But I don't know if A, B, and C in the notes  
15 correspond to A, B, and C here on this exhibit.

16 Q. And then the contract says A, B, and C?

17 A. Yes.

18 Q. And the first one, it says, "Comprehensive historical  
19 reports: 300,000 per report, tracking reports"?

20 A. Or report equivalent per year. Let's be complete about  
21 that.

22 Q. Sure.

23 "B. Tracking reports: \$300,000 per report or report  
24 equivalent per year." Did I read that correctly?

25 A. Yes.

L4KKEAS3

Waller - Recross

1 Q. "Social media reports: \$300,000 per report (or  
2 report-equivalent) per year." Did I read that correctly?

3 A. Yes.

4 Q. Now, if the financial arrangement was simply \$750,000 per  
5 month, no matter what, for 30 units, why would this language be  
6 in the contract?

7 A. This was to give an idea of what the client was looking for  
8 in terms of the nature of the reporting to be done over a  
9 one-year period.

10 Q. The nature of the reporting?

11 A. Yes.

12 Q. But it says \$300,000 per report?

13 A. Yes, per report per -- as it's stipulated here elsewhere in  
14 the contract.

15 MR. CHUFF: Okay, we can depublish that.

16 THE WITNESS: To be paid monthly on a flat rate.

17 BY MR. CHUFF:

18 Q. Now, you also testified this morning regarding the timing  
19 of the research results. Do you recall that?

20 A. Yes.

21 Q. And you testified that no one expected actionable research  
22 in the first month. Do you recall that?

23 A. I'd like to see the words written rather than have you  
24 paraphrase what I said.

25 Q. Well, then you could use your own words. What did you

L4KKEAS3

Waller - Recross

1 testify about there wouldn't be in the first month?

2 A. I testified what I testified about, but there would be --  
3 why don't you try rewording the question.

4 Q. Sure.

5 So you testified that no one expected there to be  
6 quality information in the first month?

7 A. Complete quality information, correct.

8 Q. But yesterday --

9 THE COURT: What's the distinction you're drawing  
10 between complete quality information and quality information?

11 THE WITNESS: It's quality versus quantity. So if  
12 we're finding that we hit, say, a vein of gold in the digital  
13 space, that we know we've hit a quality target, but we haven't  
14 been able to mine sufficient quantity that would constitute the  
15 amount of quality material that we were wanting to bring out.  
16 So it showed we developed promising leads that we could then  
17 mine.

18 THE COURT: Thank you.

19 THE WITNESS: Thank you.

20 BY MR. CHUFF:

21 Q. But you understood that Mr. Guo wanted actionable  
22 information in the first month; isn't that correct?

23 A. No. He wanted a three-year campaign that he could use the  
24 information on, and it would take time to build up, but he  
25 would have something within the first 90 days.

L4KKEAS3

Waller - Recross

1 MR. CHUFF: Okay. Can we go back to PX 18.

2 And just a matter of housekeeping, I offer PX 18 into  
3 evidence.

4 THE COURT: Any objection as to the authenticity of  
5 the notes?

6 MR. GREIM: Your Honor, I'm sorry, I hate to say it,  
7 but I don't have it immediately at hand. I usually see it  
8 published. Is PX 18 the notes?

9 THE COURT: I take it no objection?

10 MR. GREIM: No, no objection to authenticity or  
11 foundation.

12 THE COURT: Okay. Received subject to a motion to  
13 strike.

14 (Plaintiff's Exhibit 18 received in evidence)

15 MR. CHUFF: Your Honor, I recall yesterday, I didn't  
16 formally offer DX 23. It was a text message exchange between  
17 Dr. Waller and Yvette. I just offer that now.

18 THE COURT: That's, again, received subject to motion  
19 to strike.

20 (Defendant's Exhibit 23 received in evidence)

21 MR. CHUFF: Now if we could turn to page 1 of PX 18,  
22 please.

23 BY MR. CHUFF:

24 Q. So, Dr. Waller, I direct your attention up top of the page  
25 there. It says, "11/21 [MG]," Miles Guo. Did I read that

L4KKEAS3

Waller - Recross

1 correctly?

2 A. Yes.

3 Q. If you go down to point number 1, you write in quotes, "I  
4 want now immediately information."

5 A. Yes.

6 Q. Is that something that Mr. Guo told you, right?

7 A. That's a verbatim quote in quotation marks.

8 MR. CHUFF: Can we also turn to page 15 of this  
9 document, please. And towards the bottom of the page.

10 Q. You wrote, "First month is critical for quality of  
11 information"; is that correct?

12 A. Yes.

13 MR. CHUFF: We can depublish PX 18.

14 THE WITNESS: Quality. Not quantity, but quality.

15 BY MR. CHUFF:

16 Q. The contract itself contemplated reports in the weeks in  
17 the first month and also at the end of the month, did it not?

18 A. Yes. Now, these were specifically raw data reports, in  
19 quotes, not analytical or narrative reports.

20 Q. But that met the terms of the contract?

21 A. Yes.

22 Q. And they were to be delivered USB drive only, correct?

23 A. Yes.

24 MR. CHUFF: Could we pull up DX 20, at page 1.

25 Q. Now, Dr. Waller, this is a document that you spent some

L4KKEAS3

Waller - Recross

1 time with Mr. Greim earlier this morning. Do you recall that?

2 A. Yes.

3 Q. It's a text message between, I believe, you and Yvette  
4 Wang; is that correct?

5 A. Yes, it appears to be.

6 Q. We don't have to reference it specifically, but in here,  
7 you talk about sort of the delays that the research teams  
8 apparently experienced in this document, and you relay that to  
9 Yvette Wang; is that correct?

10 A. Yes. We had already discussed it verbally, and then this  
11 was just written down after a different discussion.

12 Q. Okay. And this is dated January 30th, 2018?

13 A. Yes.

14 Q. Now, by that time, you were already preparing for the  
15 termination of the contract by Eastern Profit, were you not?

16 A. No.

17 Q. No?

18 MR. CHUFF: Could we turn to PX 18, please.

19 Could we scroll to page 25. And I think it's about in  
20 the middle of the page.

21 Q. So, Dr. Waller, I direct you to the underlined text there.  
22 You'll see, it says, "1/26." That's January 26th, 2018,  
23 correct?

24 A. Yes.

25 Q. And you say, "Prep for termination on train"; is that

L4KKEAS3

Waller - Recross

1 correct?

2 A. No.

3 Q. What does that say?

4 A. "Prep for transcription on train."

5 Q. Transcription? That doesn't say termination?

6 A. It says transcription.

7 Q. Well, underneath that line --

8 A. T-r-a-n-s-c-r-i-p-t-i-o-n.

9 Q. Okay. Well, transcription of what?

10 A. The transcription of whatever verbal material that we had.

11 Q. Okay. So, underneath that line, that apparently says  
12 transcription, there's a list of all the problems that you  
13 contend occurred in this research investigation; isn't that  
14 correct?

15 A. Yes.

16 Q. So, you are mapping out excuses for why Strategic didn't  
17 perform this agreement; isn't that correct?

18 A. No.

19 Q. Reasons?

20 A. Reasons.

21 Q. Okay. And this is dated January 26th, before the text  
22 message to Yvette Wang that we just looked at a moment ago?

23 A. Yes.

24 Q. Now, yesterday, you admitted that the research agreement  
25 does not contain a representation that Mr. Guo is anti-CCP. Do

L4KKEAS3

Waller - Recross

1 you recall that?

2 A. It says nothing about China, the Communist Party, or  
3 Mr. Guo.

4 Q. Okay. And today, you testified that the reason for that  
5 was confidentiality concerns, correct?

6 A. Yes.

7 Q. You didn't want the contract getting out?

8 A. Right.

9 Q. Right.

10 But the contract was not made public, right?

11 A. We did not make the contract public.

12 Q. You typed up the contract and then deleted the electronic  
13 version, right?

14 A. I maintained an electronic version on an encrypted external  
15 drive.

16 Q. An encrypted external drive?

17 A. Yes.

18 Q. And it was not sent over email?

19 A. No.

20 Q. And so there's no decrypted electronic copy anywhere?

21 A. Not that I know of.

22 Q. But the reason you didn't insist on a representation that  
23 Mr. Guo was anti-CCP was because of confidentiality concerns,  
24 that the contract was going to get out?

25 A. No, it was just second nature to what we both wanted. We

L4KKEAS3

Waller - Recross

1 both wanted to achieve the same objective.

2 Q. Second nature is to not insist on a rep that you deemed  
3 material to the agreement?

4 A. Would you repeat the question?

5 MR. CHUFF: Yes, I'm sorry, could you repeat  
6 Dr. Waller's previous answer?

7 (Record read)

8 Q. So it was second nature to not insist upon a representation  
9 that you claim was material to the entire arrangement?

10 A. Right. When you're sharing a common cause, you don't  
11 necessarily state the same common cause. It's kind of silly.

12 Q. Now, Dr. Waller, do you recall earlier this morning that  
13 you and Mr. Greim were talking about Elliott Broidy?

14 A. Yes.

15 Q. And Mr. Greim referenced the guilty plea, but did not show  
16 it to you?

17 A. Did not what?

18 Q. Show it to you?

19 A. Yes.

20 Q. Now, is it your sworn testimony that Elliott Broidy is not  
21 associated or affiliated with the CCP?

22 A. It's my sworn testimony that I know of no improper  
23 association of Elliott Broidy or affiliation with the CCP.

24 Q. Okay. I'm asking any association.

25 A. I just told you.

L4KKEAS3

Waller - Recross

1 Q. No. You said "improper." I'm asking, are you aware -- is  
2 it your sworn testimony that you're unaware of any -- strike  
3 that.

4 Is it your sworn testimony that Elliott Broidy is not  
5 associated or affiliated in any way with the CCP?

6 A. It's my sworn testimony I have no knowledge of any of  
7 Elliott Broidy's associations with anyone from the CCP.

8 Q. And affiliation?

9 A. It's -- let me tell you why it's a tricky question to  
10 answer, because when you're in the international business or  
11 political spheres, you meet lots and lots of people, and it's  
12 like saying I must be in league with Guo Wengui because I'm  
13 talking to his attorney. It's just a matter of the nature of  
14 the relationship. So I really can't honestly comment on what  
15 you're trying to get to. I can't straightforwardly do it in  
16 the way that you're asking.

17 Q. I'm asking you on the record, under oath, whether you know  
18 whether Elliott Broidy is in any way associated or affiliated  
19 with the CCP?

20 A. Correct, I do not know.

21 Q. And the same question, but this time with the People's  
22 Republic of China, PRC?

23 A. Correct.

24 Q. The same answer?

25 A. Yes.

L4KKEAS3

Waller - Recross

1 Q. Now, yesterday, you testified that you were aware that  
2 "Elliott Broidy" -- and I'm quoting -- "pled guilty to working  
3 with China to have Guo Wengui deported," closed quote. Do you  
4 remember that?

5 A. Yes.

6 Q. But you said that you didn't know of the nature of the  
7 CCP's involvement. Do you recall saying that?

8 A. Yes, I did not have any of the documentation in front of  
9 me, and I was just relying on my memory from press reports that  
10 might have varied with one another. So I didn't have the  
11 documentation to view.

12 Q. Okay. But you remember testifying to that?

13 A. Yes, I remember saying that, but I would correct my  
14 comments today.

15 Q. Understood.

16 MR. CHUFF: Could we please pull up DX 71. Actually,  
17 I'm sorry, I think it's PX 71.

18 Q. Now, Dr. Waller, this is Elliott Broidy's guilty plea. If  
19 you could go to page 1, and I believe you testified to this  
20 today, but under heading 1 -- actually, you know, I'm sorry,  
21 let's go up to the top.

22 THE COURT: Counsel, it looks like this is a plea  
23 agreement signed by Mr. Broidy, not his actual guilty plea  
24 transcript; am I correct?

25 MR. CHUFF: Let me just confirm, your Honor.

L4KKEAS3

Waller - Recross

1 THE COURT: I think you should identify the document  
2 correctly for the record and for the witness.

3 MR. CHUFF: Yes. Sorry, your Honor.

4 BY MR. CHUFF:

5 Q. This is Elliott Broidy's plea agreement; is that correct?

6 A. You're asking me?

7 Q. Yes.

8 A. I don't know. I've never seen this document before.

9 Q. Okay. Well, if we can go to page 1, do you see the first  
10 line, it says, "This letter sets forth the full and complete  
11 plea offer to your client, Elliott Broidy (hereinafter referred  
12 to as your client or defendant)"?

13 A. Yes.

14 Q. So you'll understand that if this letter refers to your  
15 client or defendant, it will be to Elliott Broidy?

16 A. Yes.

17 Q. If you go to heading 1, it says, "Your client agrees to  
18 plead guilty to an information charging your client with  
19 conspiracy to serve as an unregistered agent of a foreign  
20 principal, in violation of 18, U.S.C., Section 371."

21 Do you see that?

22 A. Yes.

23 Q. This is what you were testifying about this morning,  
24 correct?

25 A. Well, I have not seen this document, so I was not

L4KKEAS3

Waller - Recross

1     testifying about this document.

2     Q.   You were testifying about his guilty plea?

3     A.   Yes.

4     Q.   And that it was a plea guilty of this statutory section,  
5     correct?

6     A.   I didn't know the name of the statutory section.

7     Q.   That he violated FARA?

8     A.   Yes, I knew that, but I didn't know the number of the  
9     section.

10    Q.   Okay. And then if we can turn to page 2, under heading 2,  
11    "Factual Stipulations," it says, "Your client agrees that the  
12    attached statement of offense fairly and accurately describes  
13    your client's actions and involvement in the offense to which  
14    your client is pleading guilty."

15                 Do you see that?

16    A.   Yes.

17    Q.   And if we could turn to page 12, you see there Elliott  
18    Broidy signed this and he accepted this plea offer?

19    A.   Yes.

20    Q.   And then if we can just go to page 13, paragraph 2 --  
21    actually, before we get there, let me ask you: The CCP is the  
22    political party that's in charge of the PRC right now, right?

23    A.   Yes.

24    Q.   And it has been since before the research agreement was  
25    signed?

L4KKEAS3

Waller - Recross

1 A. Yes.

2 Q. So government ministers, during this time period, are  
3 necessarily CCP members; isn't that correct?

4 A. Yes.

5 MR. CHUFF: If we could turn to page 13, please. Yes,  
6 that's right.

7 Q. And at paragraph 2, I'm just going to read it into the  
8 record: "During the same approximate period" --

9 MR. CHUFF: And I guess we should go up to  
10 paragraph 1.

11 Q. So paragraph 1 says, "From no later than March 2017 to at  
12 least in or about January 2018." Did I read that correctly?

13 A. It was scrolling too fast.

14 MS. CLINE: Sorry.

15 Q. I'll read it again. "From no later than March 2017 to at  
16 least in or about January 2018." Did I read that time period  
17 right?

18 A. Yes.

19 Q. Okay. If we scroll down to paragraph 2, it says, "During  
20 the same approximate period, Broidy, Davis, and Person A also  
21 agreed to lobby the administration and the DOJ to arrange for  
22 the removal and return of People's Republic of China (PRC)  
23 National A, a citizen of the PRC living in the United States,  
24 on behalf of Foreign National A."

25 Do you see there -- first, did I read that correctly?

L4KKEAS3

Waller - Recross

1 A. Basically, yes.

2 Q. Did I get something wrong?

3 A. There might have been a word or two, but I don't object to  
4 the way you read it.

5 Q. Okay.

6 Do you see that People's Republic of China is defined  
7 as PRC?

8 A. Yes.

9 Q. The next sentence, it says, "This involved, among other  
10 things, advocating for meetings between PRC Minister A and  
11 United States Government officials"?

12 A. Yes.

13 MR. CHUFF: And then if we could go down to  
14 paragraph 20 -- 28, I'm sorry, two-eight.

15 Q. The paragraph reads, "On or about May 18, 2017, Broidy,  
16 Davis, and Person A traveled to the PRC where they met with  
17 Foreign National A and PRC Minister A. PRC Minister A asked  
18 Broidy to use his influence with high-ranking United States  
19 Government officials to advocate for PRC National A's removal  
20 and return to the PRC. PRC Minister A also stated that he  
21 would be visiting Washington, D.C. soon and was having trouble  
22 scheduling meetings with certain high-ranking United States  
23 Government officials."

24 Did I read that correctly?

25 A. Yes.

L4KKEAS3

Waller - Recross

1 Q. Now, it refers to multiple times PRC Minister A; is that  
2 correct?

3 A. Yes.

4 Q. And it refers to Broidy's traveling to meet PRC Minister A,  
5 correct?

6 A. Yes.

7 Q. And you just admitted a moment ago that to be a government  
8 minister of the PRC, you necessarily are a member of the CCP;  
9 is that correct?

10 A. Yes.

11 Q. And this doesn't say -- I think you testified earlier  
12 before that he was only meeting with someone from Malaysia.  
13 PRC --

14 MR. GREIM: Objection, your Honor. The counsel is  
15 misstating the witness' prior testimony.

16 THE COURT: Why don't you just ask the questions  
17 without referencing the prior testimony.

18 MR. CHUFF: May I inquire of counsel to what I  
19 misstated?

20 THE COURT: No, you may not. Just ask questions.

21 MR. CHUFF: Okay.

22 BY MR. CHUFF:

23 Q. PRC Minister A -- actually, to be a government minister,  
24 given that the CCP has control of the PRC, to be a government  
25 minister, that person has to be a CCP member, correct?

L4KKEAS3

Waller - Recross

1 A. Yes.

2 Q. Now, is it your understanding that in paragraph 8, the PRC  
3 Minister A that's referred to is Yanping Liu?

4 A. I have no idea. I've never seen this document before.

5 MR. CHUFF: Let's pull up the stipulation of fees in  
6 this case, dated -- Actually, before I do that, can I offer  
7 DX 71, please?

8 THE COURT: Okay. Any objection as to authenticity?

9 MR. GREIM: Not as to authenticity, but as to  
10 foundation, your Honor, we do.

11 THE COURT: Do you want to do more to try to lay a  
12 foundation? Otherwise, I'll receive it subject to motion to  
13 strike.

14 MR. CHUFF: May I confer with my colleague?

15 THE COURT: Yes. You're on the clock. Go ahead.

16 (Pause)

17 MR. CHUFF: No, we'll rest on the record.

18 BY MR. CHUFF:

19 Q. So, Dr. Waller, we've put up a stipulation that the  
20 parties, Eastern Profit and Strategic Vision, reached in this  
21 case. I will direct your attention to paragraph 2.

22 Paragraph 2 says, "Strategic Vision U.S., LLC's legal fees in  
23 this action are not being paid by any person or entity that is  
24 or ever was a member of, associated with, or affiliated with  
25 the Chinese Communist Party or the People's Republic of China."

L4KKEAS3

Waller - Recross

1 Did I read that correctly up until the comma?

2 A. Yes.

3 Q. I'm sorry, did you say yes?

4 A. Yes. This gets back to what I was referring to before by  
5 association and intent. So you just can't have guilt by  
6 association just because someone met with someone else.

7 Q. Well, he pled guilty to a federal offense for meeting with  
8 that person?

9 A. I don't believe that to be the case.

10 MR. GREIM: Objection, your Honor. I object to the  
11 improper --

12 THE COURT: The objection is sustained.

13 Q. Now, Strategic calls itself out as a company specializing  
14 in due diligence; isn't that correct?

15 A. That's one of the things it does, yeah.

16 Q. And you had a lot of experience doing research?

17 A. Yes.

18 Q. Are you aware that Circinus is not a litigation funder?

19 A. Is not a what?

20 Q. Litigation funder?

21 A. No.

22 Q. You're not aware of that?

23 A. No.

24 MR. GREIM: Your Honor, I'm sorry, I was slow on the  
25 uptake there. I object as vague -- litigation funder.

L4KKEAS3

Waller - Recross

1 THE COURT: The objection is overruled, but I would  
2 suggest that you move off from this line of examination pretty  
3 quickly, because as the fact finder, unless you're coming up  
4 with something great, I don't think that this is your most  
5 powerful line of examination.

6 MR. CHUFF: Okay. Thank you, your Honor.

7 BY MR. CHUFF:

8 Q. So I would just ask: What diligence did you do to verify  
9 whether Elliott Broidy was or was not associated or affiliated  
10 with the CCP or the PRC?

11 A. Well, first, I asked Mr. Broidy myself what the nature of  
12 his work was, and he said that in the context of meeting with  
13 the Malaysian individual, whose name I saw during the scrolling  
14 of that previous exhibit, he was trying to free three American  
15 captives inside China, including a pregnant woman. And in the  
16 course of trying to free those three American captives, he met  
17 that official, who I believe was the one mentioned in that  
18 document.

19 So, as far as I'm concerned, that doesn't show  
20 association with the Communist Party, it shows he's trying to  
21 bring American citizens home.

22 Q. Yes. Dr. Waller, I'm just asking, what diligence did you  
23 do to make sure that there was no association?

24 A. First thing was I asked him to his face. The second thing  
25 was I researched his background and his company's background,

L4KKEAS3

Waller - Recross

1 and I found a number of people who know him personally.

2 Q. Okay. And --

3 THE COURT: Dr. Waller, just one question for you:  
4 When you were describing the conversation with Mr. Broidy, did  
5 he tell you that in the course of trying to free the three  
6 American captives, he met with the individual who was mentioned  
7 in the -- whom you now see as being mentioned in the plea  
8 agreement?

9 THE WITNESS: He did not.

10 MR. CHUFF: And just last on this line.

11 THE COURT: Go ahead.

12 MR. CHUFF: PX 67, if we could pull that up very  
13 quickly.

14 BY MR. CHUFF:

15 Q. I don't want to belabor the point here. This is a New York  
16 Times Article entitled, "Seeking Foreign Money, GOP Donor  
17 Pushed for Trump To Golf with Malaysian Premier." Do you see  
18 that?

19 A. Yes.

20 Q. Do you see the fourth paragraph, it says, "Mr. Broidy also  
21 explored separate plans to force the exit from the United  
22 States of a Chinese billionaire and dissident, Guo Wengui,  
23 evidently to please Chinese allies in Malaysia"?

24 Do you see that?

25 A. Yes.

L4KKEAS3

Waller - Recross

1 Q. And Chinese is -- "Chinese allies" is referring to people  
2 within the PRC?

3 A. It doesn't say --

4 MR. GREIM: Objection, your Honor.

5 THE COURT: The objection is sustained.

6 BY MR. CHUFF:

7 Q. Dr. Waller, did you read this document before that  
8 January 1st, 2018 stipulation was signed?

9 A. No, because this is from June 2018 -- April 2018.

10 Q. I'm sorry, the stipulation was January 31st, 2020.

11 Did you read that article before -- this article,  
12 PX 67, before January 31st, 2020?

13 A. I believe I read this article at the time it was published.

14 Q. Okay.

15 MR. CHUFF: May I just confer with my colleagues and  
16 see that there's nothing else?

17 (Pause)

18 BY MR. CHUFF:

19 Q. Just one more question on this, and we'll change gears.

20 Did you ever read the criminal indictment of Elliott  
21 Broidy?

22 A. No.

23 Q. Now, earlier, you testified that you incurred \$15,000 in  
24 expenses for legal bills in May 2018; is that correct?

25 A. I paid the bills then. They were overdue.

L4KKEAS3

Waller - Recross

1 Q. When was the legal advice obtained, without disclosing --

2 A. It was sought in very late January or very early February.

3 Q. Who was the law firm that --

4 A. It was a law firm in the country where Team 1 was based.

5 Q. Do you have the name of the law firm?

6 A. I don't know it off the top of my head.

7 Q. You incurred \$15,000 to the law firm, but you don't know  
8 its name?

9 A. That's right.

10 Q. Do you have an invoice for that legal bill?

11 A. I do.

12 Q. Did you introduce it in this litigation?

13 A. No.

14 MR. CHUFF: Nothing further, your Honor.

15 THE COURT: Mr. Chuff, would you please wipe down the  
16 podium and replace the microphone cover.

17 MR. CHUFF: Yes.

18 THE COURT: And, Mr. Greim, any further examination?

19 MR. GREIM: Your Honor, I have one.

20 THE COURT: Okay. Why don't you wait until the podium  
21 is wiped off, unless you want to do it from counsel table.

22 MR. GREIM: Your Honor, I can do it right from this  
23 microphone.

24 THE COURT: Okay. Why don't you wait for a moment for  
25 Mr. Chuff.

L4KKEAS3

Waller - Redirect

1 And let me give the instruction that going forward,  
2 it's a reminder, each counsel, when they leave the podium,  
3 needs to wipe it down.

4 You may inquire.

5 REDIRECT EXAMINATION (Continued)

6 BY MR. GREIM:

7 Q. Just one question, Mr. Waller.

8 We won't pull it up again, but you saw the very first  
9 page of your notes from November 1, 2017. And do you recall  
10 there were statements on there about wanting immediate  
11 information?

12 A. Yes.

13 Q. Now, this was from your very first meeting with Mr. Guo,  
14 correct?

15 A. Yes.

16 Q. And was Mr. Guo telling you at that meeting about  
17 information he wanted you to find?

18 A. He just wanted it found in general.

19 MR. GREIM: No further questions.

20 THE COURT: Okay. Next witness.

21 Dr. Waller, you're excused. Thank you very much.

22 THE WITNESS: Thank you, your Honor.

23 (Witness excused)

24 MS. CLINE: Plaintiffs call Yvette Wang.

25 THE COURT: Ms. Wang may take the stand.

L4KK3AS3

Wang - Direct

1 I have in front of me defendant's trial exhibits for  
2 Ms. Wang. I also have a binder that says "Y. Wang Outline and  
3 Exhibits." I haven't looked at the binder, but it doesn't look  
4 like it is intended for me. I also don't have plaintiff's  
5 trial exhibits for Ms. Wang.

6 MS. CLINE: So, your Honor, the only exhibit we intend  
7 to use with Ms. Wang is Plaintiff's Exhibit 1.

8 THE COURT: Okay. Very well.

9 Is this your binder, Mr. Greim?

10 MR. GREIM: It probably is because I have the same  
11 label on one of my binders.

12 THE COURT: Okay. We'll hand it back to you.

13 Ms. Wang, you may take a seat in the jury box.

14 THE WITNESS: Yes.

15 THE COURT: The witness stand in the jury box. And I  
16 am going to ask you to remain standing and raise your right  
17 hand.

18 Mr. Fishman, would you please swear the witness.

19 YAN PING WANG,

20 called as a witness by the Plaintiff,

21 having been duly sworn, testified as follows:

22 THE DEPUTY CLERK: Please state your full name for the  
23 record.

24 THE WITNESS: Yan Ping Wang, Y-a-n P-i-n-g W-a-n-g.

25 THE COURT: Ms. Wang, you may be seated. You may be

L4KKEAS3

Wang - Direct

1 seated. Sit down.

2 THE WITNESS: Thank you.

3 THE COURT: Let me ask you to try to please keep your  
4 voice up because it's sometimes difficult to hear witnesses  
5 through the mask. Also, try to speak slowly and clearly for my  
6 benefit and for the benefit of the court reporter.

7 THE WITNESS: Yes, your Honor.

8 THE COURT: Just give us one moment.

9 Is that white binder in front of the witness something  
10 that is needed?

11 MS. CLINE: It's not ours.

12 THE COURT: You can step away, Ms. Cline. I'm going  
13 to ask my courtroom deputy to remove the white binder.

14 MR. GREIM: I'll take that white binder.

15 THE COURT: Which goes back to defense counsel.

16 Ms. Cline, you may inquire.

17 MS. CLINE: Thank you, your Honor.

18 DIRECT EXAMINATION

19 BY MS. CLINE:

20 Q. Ms. Wang, were you born here in the United States?

21 A. No.

22 Q. When did you leave China to come to the United States?

23 A. In April 2015.

24 Q. Are you a citizen of the United States?

25 A. No, I'm not.

L4KKEAS3

Wang - Direct

1 Q. Have you applied for asylum in the United States?

2 A. Yes, I did.

3 Q. When did you apply?

4 A. In late 2017.

5 Q. And what's the current status of your asylum application?

6 A. It's pending approval.

7 Q. Tell us a little bit about your educational background.

8 A. I graduated in France with two Master degrees.

9 Q. And in what subjects were your Master degrees?

10 A. One is for the American culture and civilization; another  
11 one is China-U.S. relationship.

12 Q. Do you know a man by the name of Guo Wengui?

13 A. Yes, I do.

14 Q. When did you first meet Mr. Guo?

15 A. In 2008.

16 Q. How did you meet him?

17 A. I met him in the company for business.

18 Q. In whose company?

19 A. In his family's company.

20 Q. Did you work for him?

21 A. I worked for the family.

22 Q. Have you been working for his family since then?

23 A. Yes.

24 Q. Currently, how frequently would you say you interact with  
25 Mr. Guo?

L4KKEAS3

Wang - Direct

1 A. I met him or talk with him as needed, yeah.

2 Q. Like ten times a day, once a year, about how often?

3 A. Like several times per week, yeah.

4 Q. How would you describe the -- sorry. Are you familiar with  
5 the nature of the work Mr. Guo does?

6 A. Yes, I am.

7 Q. How would you describe Mr. Guo's work to someone who didn't  
8 know him?

9 A. Can you repeat your question?

10 Q. Sure.

11 How would you describe what Mr. Guo does every day to  
12 someone who doesn't know him?

13 A. Oh, yes. He is the leading -- he is leading the entire  
14 anti-Chinese Communist Party whistleblowing movement. Since  
15 the beginning of 2017, he's pretty much doing that every day,  
16 every day.

17 Q. When you say "whistleblower movement," tell us what you  
18 mean by that.

19 A. This is a movement which was initiated by Mr. Guo in  
20 January of 2017. He started to expose and whistleblowing the  
21 Chinese high-level governmental official, their corruption, and  
22 their illegal assets in the overseas. So he try to  
23 whistleblowing their corruption and wake up the Chinese regime,  
24 including wake up the Western world. It has been continuing  
25 until now for four years.

L4KKEAS3

Wang - Direct

1 Q. Have you personally witnessed Mr. Guo's efforts to expose  
2 corruption within the CCP?

3 A. Yes, I do.

4 Q. Can you describe those efforts a little more -- in a little  
5 more detail, starting from 2017?

6 A. Yeah. Starting from January 2017, Mr. Guo, for his entire  
7 life, first time he started to stand in front of a camera and  
8 then to take interview, Livestream interview broadcast. And  
9 then he has been doing all of this radio, broadcasting,  
10 Livestream for four years, pretty much more than 10,000 hours  
11 on his social media. Like before it was on Twitter, on  
12 YouTube, then Twitter and YouTube shut him down, and then he  
13 started -- his family started a second social media platform,  
14 and then he's broadcasting on that pretty much like every week.  
15 Before it was every day, now it's every week, yeah, like two,  
16 three times every week.

17 Q. And what is it that he's broadcasting?

18 A. He's merely talking about translate or interpret, expose,  
19 the inside Information about Chinese regime, the high-level  
20 governmental Communist Party corruption, their deals, their  
21 tricks, and then to explain how they play around the world, and  
22 then the corruption governmental official, how they corrupted  
23 the entire West world, also.

24 Q. Do you have any reason to believe that Mr. Guo actually  
25 supports the CCP?

L4KKEAS3

Wang - Direct

1 A. No. It's already --

2 MR. GREIM: Your Honor, I object asking this witness'  
3 opinion.

4 THE COURT: Overruled.

5 BY MS. CLINE:

6 Q. Let me try it again. Do you have any reason to believe  
7 that Mr. Guo actually supports the CCP?

8 A. No, I never believe. This is ridiculous.

9 Q. Why do you say that?

10 A. Because Mr. Guo had been the biggest dissident of the  
11 Chinese regime, and he is leading the entire whistleblowing  
12 moment. He literally is sacrificing -- his family sacrifice  
13 more than -- his family has been sacrificing more than a  
14 billion of assets in Mainland China. His family had been in  
15 jail, and then his colleague, his family's colleague, employee  
16 have been in jail.

17 THE COURT: Ms. Wang, let me caution you to please  
18 speak slowly, okay?

19 THE WITNESS: Yes, sir.

20 THE COURT: I am admitting that line of testimony  
21 about the opinion as lay opinion testimony because I think an  
22 adequate foundation has been laid to provide lay opinion  
23 testimony, but keep within the confines on it, and, obviously,  
24 I'm going to permit cross-examination with respect to the  
25 foundation for that opinion.

L4KKEAS3

Wang - Direct

1 Go ahead, Ms. Cline.

2 BY MS. CLINE:

3 Q. What are your own views on the CCP?

4 A. They are evil.

5 Q. Why do you say that?

6 A. They block entire rule of law, democracy, and the freedom  
7 of speech to the 1.4 billion people of Mainland China.

8 Q. Were you yourself ever affiliated with the CCP?

9 A. I was before, but I cut off from them completely.

10 Q. Why?

11 A. There are more than 90 million Chinese -- Mainland Chinese  
12 people. They are the Chinese Communist Party members, 90  
13 million, nine-zero. And then most of the great students in  
14 college, in university, and then they are encouraged or even  
15 requested to join the party without knowing too much about  
16 Chinese Communist Party. So 90 million of Chinese Communist  
17 Party member, 99.9 percent of them, they are good people, they  
18 are common workers, they are average people. They are just the  
19 workers, just the workers, yeah. They are salary people, and  
20 only very tiny small group of Chinese high-level governmental  
21 official, they are very corrupted, and then they are kidnapping  
22 entire Chinese people and China, this country, to damage them  
23 and that hurt the entire world.

24 So, as long as I was outside of this regime, and I  
25 start to realize that, and I got a wake up, so I cut off with

L4KKEAS3

Wang - Direct

1       them completely.

2               THE COURT:   Ms. Wang, once again, please try to speak  
3       slowly.

4               THE WITNESS:   Yes, sir.

5               THE COURT:   I realize that it's a little bit of an  
6       alien environment to be in a courtroom.   Just take your time.  
7       We've got the time.   Just take your time and answer the  
8       questions slowly.

9               THE WITNESS:   Yes, your Honor, yes.

10              THE COURT:   Now, did you say 90 million or 19 million?

11              THE WITNESS:   90, nine-zero, million, your Honor.

12              THE COURT:   Thank you.

13       BY MS. CLINE:

14       Q.   Did there come a time when you were introduced to French  
15       Wallop and Michael Waller?

16       A.   Yes.   That should be in the Autumn of 2017.

17       Q.   And what were the circumstances under which you were  
18       introduced to them?

19       A.   The first time I was introduced to Ms. Wallop and  
20       Mr. Waller in a meeting, which they were trying to introduce  
21       and sell a real estate property to Mr. Guo.   That was the first  
22       meeting.

23       Q.   Did you say a real estate property?

24       A.   Yes, a house.

25       Q.   Were you present at a meeting with them?

L4KKEAS3

Wang - Direct

1 A. Yes, I was present in that meeting.

2 Q. Okay. Were there any meetings subsequent to that in which  
3 you participated?

4 A. Yes, there were several other meetings after, yeah.

5 Q. Could you sort of describe, as best you can remember, what  
6 happened at the next meeting after that first one about the  
7 real estate?

8 A. After the first meeting, I remember I traveled to D.C. and  
9 Virginia. Ms. Wallop, she drove me around Virginia to show me  
10 some house, some real estate property, and now we spent at  
11 least more than half of a day to do the house tour.

12 And after that, I remember from certain point in time,  
13 and then she start with Mr. Waller together to introduce their  
14 investigation firm and their capabilities to Mr. Guo and me.  
15 There were several other meetings about this, also.

16 Q. What did Mr. Waller and Ms. Wallop say about their  
17 investigation services business?

18 A. They introduced themselves to Mr. Guo and me as one of the  
19 best, most professional, qualified investigation firm in the  
20 country. They even referred they worked for the governmental  
21 agencies, like CIA or other agency. And then Ms. Wallop even  
22 handwrote some names of their clients. As far as what they  
23 said, they are the royal family from Middle East or from  
24 Russia, some big clients, as their reference to Mr. Guo and me.

25 So, long story short, they came to us and then

L4KKEAS3

Wang - Direct

1 introduced themselves as the best -- one of the best  
2 investigation firm in the country.

3 Q. Why did you understand that they were discussing their  
4 investigation capabilities?

5 A. I understood they will like Mr. Guo or some other clients  
6 from Mr. Guo to hire them. They want to get the business.  
7 That's my understanding.

8 Q. For what purpose, though? Did you have an understanding as  
9 to why Mr. Guo might be interested in their services?

10 A. I know for a long time, Mr. Guo tried very hard to  
11 investigate the Chinese high-level governmental corrupted  
12 officials and their assets. So, in my understanding,  
13 Ms. Wallop and Mr. Waller, they came to Mr. Guo trying to have  
14 their firm retained by Mr. Guo or the clients related to  
15 investigate the corruption of Chinese regime.

16 Q. For what purpose? What was the point of investigating the  
17 corruption within the Chinese regime?

18 A. The purpose is to investigate the Chinese high-level  
19 governmental corrupted official and their illegal corrupted  
20 assets, which they hide in the U.S. and worldwide, in order to  
21 investigate them, found them, and then to report to authority,  
22 and then to encourage or request the government, if they can,  
23 take investigation official, or even indict them, or put them  
24 in jail. So that's the main target, to get them punished.

25 Q. To get them punished?

L4KKEAS3

Wang - Direct

1 A. That's right.

2 Q. Have you ever heard of a company called Eastern Profit  
3 Corporation Limited?

4 A. Yes, I do.

5 Q. Does Eastern Profit have anything to do with the  
6 investigation that you and Mr. Guo were discussing with  
7 Ms. Wallop and Mr. Waller?

8 A. Eastern Profit, this company, entered into this  
9 investigation agreement at the end as the client.

10 Q. Well, how did Eastern Profit become involved?

11 A. Eastern Profit was produced as one of the company and their  
12 principal, they were persecuted by the Chinese Communist Party,  
13 also. Their bank account and assets were frozen by Chinese  
14 regime, also.

15 Q. Was it you who reached out to Eastern Profit in connection  
16 with this research -- contemplated research?

17 A. Yes, that was me.

18 Q. What did you do to contact Eastern Profit?

19 A. I was introduced by Ms. Wallop and Mr. Waller with this  
20 company, like investigation company, and then both me and  
21 Mr. Guo, we felt this is a great company, right, and from very  
22 reputable person and very presentable gentleman and lady from  
23 Washington, right, and we feel we finally got the right  
24 qualified investigation firm who is able to help us in our  
25 movement.

L4KKEAS3

Wang - Direct

1           So I start to look around, and then I looked for some  
2 party, or some company, or some individual who is willing to  
3 join this investigation project, to be a part of that. Then  
4 Eastern Profit came into our world.

5 Q. With whom at Eastern Profit did you communicate?

6 A. Mr. Hank Han.

7 Q. And what was your understanding of his connection to  
8 Eastern Profit?

9 A. In my understanding, Mr. Han is the principal and agent of  
10 Eastern Profit.

11           THE COURT: Can you spell his name for the record?

12           THE WITNESS: Yes, your Honor. Mr. Hank, H-a-n-k,  
13 Han, H-a-n. H-a-n is the family name, last name.

14           THE COURT: Thank you.

15 BY MS. CLINE:

16 Q. Ms. Wang, does he have a Chinese name as well rather than  
17 Hank?

18 A. Yes, he has.

19 Q. Can you spell that as well for us?

20 A. Sure. Of course.

21           His Chinese name is Chunguang Han, spelled  
22 C-h-u-n-g-u-a-n-g, last name H-a-n.

23 Q. What was the first communication you had with Mr. Han about  
24 the research proposal?

25 A. I called him and briefly I told him we possibly got a great

L4KKEAS3

Wang - Direct

1 firm, great investigation firm, and then they're very capable,  
2 and they may be able to help us to investigate the Chinese  
3 corrupted governmental official, and then do you have interest  
4 to be part of that?

5 And Mr. Han, kind of he said, sounds like great,  
6 right, you guys finally got someone who can help. And then we  
7 didn't share too many details on the phone call, and then we  
8 decide to say let's meet in person to talk the details because  
9 it's supposed to be confidential.

10 Q. And did you and Mr. Han meet in person to discuss the  
11 investigation?

12 A. Yes, we did.

13 Q. Can you describe that meeting for us, please?

14 A. The meeting was in the lobby of my office building.  
15 Mr. Han came, and we briefly chat in Mandarin, of course,  
16 because he doesn't speak English. So I introduce him, I  
17 mentioned the two principal of this investigation firm, they  
18 are from D.C., introduce by very reliable and trustful friend  
19 of Mr. Guo, and we met them, these two principal, for several  
20 times, and we believe this investigation firm, they are very  
21 good, and then they can help us to investigate the Chinese  
22 high-level governmental official, their corruption and their  
23 corrupted assets.

24 And then Mr. Han, he trust us, of course, and he said,  
25 let me figure out. You go to continue, right, talk with,

L4KKEAS3

Wang - Direct

1 negotiate about a contract and a project, how you got proceed,  
2 and I need to figure out to get a party or a company, of  
3 course, including the fund deposit, because I did mention to  
4 him, say that the contract requests 1 million U.S. dollars as a  
5 deposit.

6 So, Mr. Han, he said, no, let me figure out how to get  
7 the money for this project, and then you go ahead and get more  
8 details. So that was the first conversation.

9 Q. Okay. And then after that conversation, did he eventually  
10 come back to you to discuss the research project again?

11 A. Yes, he did.

12 Q. And describe that conversation for us.

13 A. He called me, and I forgot which day. You know, like he  
14 call me and pretty much said that they are onboard, so he told  
15 me, say Yvette, you know, you're handling this along the way,  
16 and you speak good English, right, you understand that, and  
17 then you are authorized to proceed this contract, and then this  
18 project, and I will take care of the payment, and then we're  
19 onboard.

20 Q. Okay. So just so we're all clear, was it your  
21 understanding that Mr. Han authorized you, on behalf of Eastern  
22 Profit, to negotiate the agreement with Mr. Waller and  
23 Ms. Wallop?

24 A. Correct.

25 Q. And so did you, in fact, do that?

L4KKEAS3

Wang - Direct

1 A. Yes, I did that.

2 Q. Did Eastern Profit and Strategic Vision ultimately enter  
3 into a contract?

4 A. Yes, they did.

5 MS. CLINE: Mr. Chuff, can we pull up PX 1, please.

6 Q. Ms. Wang, the exhibit should appear on the screen in front  
7 of you.

8 MS. CLINE: Mr. Chuff, can we just scroll through the  
9 agreement just to the end, so Ms. Wang can see it.

10 BY MS. CLINE:

11 Q. And so, Ms. Wang, my first question for you is just: Do  
12 you recognize this to be the contract between Strategic Vision  
13 and Eastern Profit?

14 A. Yes, it is.

15 MS. CLINE: Mr. Chuff, can we go back to page 1,  
16 please. And scroll down to the fourth paragraph.

17 Q. So here, in the fourth paragraph, the contract says the  
18 following: "The contractor will conduct high quality original  
19 research and prepare reports on subjects chosen at the client's  
20 discretion for the purpose of detecting, stopping, and  
21 preventing crime or other harm to innocent people."

22 Do you see where I read that?

23 A. Yes, I do.

24 Q. And what was your understanding of detecting, stopping, and  
25 preventing crime or other harm to innocent people? What was

L4KKEAS3

Wang - Direct

1 that talking about, in your understanding?

2 A. The purpose is to investigate and find out as much as we  
3 can the evidence, the proof, and original investigation – high  
4 quality, of course – information which related to the Chinese  
5 high-level governmental official, their corrupted assets. And  
6 those assets, they hide them in the international, in U.S. and  
7 in the rest of the world. We want to find those information,  
8 to report them, investigate them, request the government to  
9 investigate and put them in jail, to save the Chinese people,  
10 which is innocent people in here, we refer.

11 MS. CLINE: Let's scroll to page 5, please.

12 Q. Ms. Wang, in the second paragraph there, the contract  
13 refers to a deposit of \$1 million. Do you see that?

14 A. Yes, I do.

15 Q. Was it your understanding that Eastern Profit had to pay a  
16 deposit in connection with the agreement?

17 A. Yes, it is.

18 MS. CLINE: If we could scroll down to the third  
19 paragraph.

20 Q. So there's a paragraph that starts with the word  
21 "subsequent." Do you see that paragraph?

22 A. Yes, I do.

23 Q. And the second sentence says, "It is understood that the  
24 client may direct other entities to pay the contractor, and  
25 that such payments will be deemed satisfactory compensation by

L4KKEAS3

Wang - Direct

1 the contractor."

2 Do you see that?

3 A. Yes, I do.

4 Q. Did that, in fact, happen? Did another entity pay the  
5 contractor on behalf of Eastern Profit?

6 A. Yes, correct.

7 Q. And do you know the name of the entity that paid the  
8 deposit on behalf of Eastern Profit?

9 A. It's a company called ACA.

10 Q. Did you have anything to do with communicating with ACA  
11 about securing the money from them?

12 A. I was not involved in that part.

13 Q. Do you know whether Strategic, in fact, received the  
14 million dollars from ACA?

15 A. Yes, I believe so.

16 Q. Did Ms. Wallop or Mr. Waller ever ask you why the  
17 \$1 million was deposited by ACA rather than Eastern?

18 A. No, they didn't ask.

19 Q. Did they refuse to accept the payment when they saw it  
20 didn't come from Eastern?

21 A. No, they didn't refuse.

22 Q. Did they ever tell you that Strategic wasn't going to  
23 perform the contract because the deposit came from ACA?

24 A. They didn't mention that.

25 Q. Now, let's talk about the parties' performance under the

L4KKEAS3

Wang - Direct

1 agreement. Was it the case that there were certain people who  
2 were to be the subjects of the investigation under the  
3 agreement?

4 A. I beg your pardon?

5 Q. Yes, sorry, that was awful.

6 Was part of the point of the contract that  
7 Strategic Vision would investigate particular people?

8 A. Correct.

9 Q. And did Eastern decide on the names of the people it wanted  
10 to be investigated?

11 A. No, it's not decided by Eastern Profit.

12 Q. Okay. Who decided that?

13 A. Mr. Guo introduce some name, and I researched some name, we  
14 put together the list.

15 Q. And do you know whether a list of names was provided to  
16 Strategic?

17 A. Sorry, I beg your pardon again?

18 Q. Yes. The list -- the names that you and Mr. Guo put  
19 together, was that list provided to Strategic?

20 A. Correct.

21 Q. And then what happened after the names were provided to  
22 Strategic?

23 THE COURT: Excuse me. Were the names provided to  
24 Eastern Profit?

25 THE WITNESS: Sorry, your Honor, I beg your pardon.

L4KKEAS3

Wang - Direct

1 What's your question?

2 THE COURT: Was the list of names provided to Eastern  
3 Profit?

4 THE WITNESS: No. The name of the list was only  
5 provided to Strategic Vision, your Honor.

6 THE COURT: Okay.

7 BY MS. CLINE:

8 Q. So, after the names were provided to Strategic Vision, what  
9 happened next?

10 A. Strategic Vision was supposed to start to investigate those  
11 names.

12 Q. And did they start to investigate?

13 A. No, they didn't. Ms. Wallop, the second day, after me and  
14 her, we sit down, I presented her the list of name. She opened  
15 that successfully on her laptop with the name list. Me and her  
16 we went through each of the name in her house in Virginia. She  
17 took over the name of the list, list of the name, and then  
18 supposed to start to investigate it right away.

19 But, unfortunately, the second day, she called me,  
20 told me that she was not able to open the file. So she  
21 requested a second copy of the name list.

22 Q. Did you give her a second copy of the name list?

23 A. Yes, I did.

24 Q. Can you describe who - just generally, not necessarily by  
25 name - but who were the types of people who were on the name

L4KKEAS3

Wang - Direct

1 list?

2 A. The name list including the vice president of Chinese  
3 Government, the minister of national security of Chinese  
4 ministry, and their family, including their wife, their kids,  
5 and some of their mistress, and their illegal kids.

6 Q. Now, after you provided the second list of names, was  
7 Strategic ever able to provide a written report showing its  
8 results of its investigation?

9 A. No, they did not.

10 Q. What did they provide?

11 A. After me and Mr. Guo, we did several kind of, like, chase  
12 follow-up and request, they finally came, Mr. Waller and  
13 Ms. Wallop, they finally came to meet me and Mr. Guo and  
14 presented with a folder, which is in another USB flash drive,  
15 without the valuable high quality of content of reports in  
16 there at all. Basically it's nonsense in the first flash  
17 drive.

18 Q. How did you and Mr. Guo react when you saw the contents of  
19 the first flash drive?

20 A. The meeting happened in New York. Ms. Wallop and  
21 Mr. Waller, they came to visit me and Mr. Guo. They brought a  
22 laptop they called virgin laptop. They told us this laptop was  
23 never connect with any internet, which we never use internet,  
24 and they used that laptop, open their flash drive, and they  
25 start to open their -- I believe it's a PDF file, and Mr. Guo

L4KKEAS3

Wang - Direct

1 was very disappointed, and even very shocked, because both me  
2 and him, we found there is no investigation deliverable content  
3 in there at all. It's basically some structure how they plan  
4 to build the work, with very limited words in there.

5 So Mr. Guo was very, very shocked and very, very  
6 disappointed. And Mr. Waller, literally he started to sweat,  
7 he was sweating, and his face is turned to be very red, and  
8 then he apologized, including Ms. Wallop apologized, also.  
9 They apologized, they said they had miscommunication,  
10 communication problem, with their team lead in Europe, and they  
11 figured out this is not the report they should bring to us. So  
12 that was a lunch meeting. Basically, both of them, they  
13 apologized again, again sweating, and then they admitted they  
14 made mistake with the investigation report.

15 Q. Did they leave a copy of that first flash drive with you?

16 A. No. They just left the virgin laptop with us, and then  
17 they took the first flash drive away.

18 Q. What happened next?

19 A. In that meeting, obviously, Mr. Guo and me, we were super,  
20 super disappointed. We were not expected this is a kind of,  
21 like, deliverable which come from such a great, right,  
22 professional investigation firm. So, Mr. Waller and  
23 Ms. Wallop, they apologized again, again. They said they have  
24 more data in their team's hands, and then Mr. Waller is  
25 planning to fly in Europe to pick up the data, which is, he

L4KKEAS3

Wang - Direct

1 said, 60 gigabyte, something like that way, and then bringing  
2 that data back to us as soon as possible. So, obviously,  
3 Mr. Guo and me, we could not wait any more. We ask him right  
4 away, can we have that. So, Mr. Waller flew to Europe, as he  
5 said, and then bringing a second flash drive back to New York.

6 Q. And did he deliver the second flash drive to you?

7 A. Yes, he did.

8 Q. And where did that take place?

9 A. That took place in the Penn Station. That was three, four  
10 days after our first meeting, the first disappointing meeting,  
11 because he promised that he will fly to Europe right away and  
12 then to pick up the data. So, after three, four days, and then  
13 he said he came back, he requested to meet me in person,  
14 deliver the data in Penn Station. He gave me a name called  
15 Chuck Bar. I believe there's a bar in Penn Station. So I went  
16 there and met him. He gave me the second flash drive.

17 Q. And did you and Mr. Waller look at the second flash drive  
18 right there at the bar in Penn Station?

19 A. We tried to open the second flash drive in the bar, but I  
20 didn't remember we successfully open that because the format is  
21 somehow, we couldn't open with the laptop we have in the Penn  
22 Station in there.

23 Q. Well, did there come a point in time in which you actually  
24 were able to review the contents of the second flash drive?

25 A. Yes.

L4KKEAS3

Wang - Direct

1 Q. And where did that happen?

2 A. Obviously, I came back to meet with Mr. Guo right after I  
3 got the second flash drive from Mr. Waller, and then Mr. Guo  
4 couldn't wait anymore, so we use their virgin laptop, and that  
5 opened the second flash drive.

6 Q. Was there anything on the second flash drive?

7 A. The second flash drive, we went through all the folders,  
8 and some of them, they're empty. Some of them, they do have  
9 some content, but we went through each of them, they are either  
10 the advertisement, or some Wikipedia, or some Google, some  
11 public information, which anybody, anybody, they can research  
12 from the internet. Even some of them was, like, Russia  
13 language or some language, which doesn't even related to the  
14 people we want to investigate.

15 So, long story short, it's garbage, period.

16 Q. Were there any financial forensic reports that were called  
17 for under the contract on the drive?

18 A. Nothing.

19 Q. Were there any current tracking reports on the drive?

20 A. Nothing.

21 Q. Were there any social media reports on the drive?

22 A. Nothing.

23 Q. What, if anything, did you tell Strategic when you saw what  
24 was on this second flash drive?

25 A. Yes, I remember I Signal text Ms. Wallop right away with a

L4KKEAS3

Wang - Direct

1 very long text message, and we told them this is garbage, this  
2 is far away from what you promised to deliver as high quality  
3 original investigation deliverable reports, which defined in  
4 the contract. It's nothing to do with that. You didn't do  
5 your job. We told them right away.

6 Q. And how did they respond?

7 A. They responded with many different text message by Signal,  
8 and I believe you have that. Mainly they made a lot of excuse,  
9 and gave different reason, and then tried to go through with  
10 this, which we don't buy anymore.

11 Q. And then what happened next with the contract?

12 A. The contract was terminated.

13 Q. Did Strategic ever provide Eastern Profit or you and  
14 Mr. Guo with any of the deliverables called for under the  
15 agreement?

16 A. Nothing, never.

17 Q. And did Strategic ever return the deposit to Eastern Profit  
18 or to ACA?

19 A. No, they never did that either.

20 MS. CLINE: I have no further questions.

21 THE COURT: All right. Why don't we take our  
22 midafternoon break now for ten minutes, and then we will resume  
23 with Ms. Wang on cross-examination. So be back at 3:55. Let's  
24 expect to go until 5:00 o'clock today.

25 (Recess)

L4KKEAS4

Wang - Cross

1 THE COURT: Be seated.

2 I had neglected to ask you, Ms. Cline, to make sure  
3 you cleaned off the podium. I assume that that has been done.

4 MS. CLINE: I forgot, your Honor, I confess.

5 THE COURT: But I do want that to be done.

6 (Pause)

7 MS. CLINE: I apologize.

8 MR. GREIM: I hadn't done it either, but I will.

9 THE COURT: Ms. Wang, you are reminded that you are  
10 still under oath, and I am also going to give you the  
11 instruction to keep talking slowly, please.

12 Mr. Greim, you may inquire.

13 CROSS-EXAMINATION

14 BY MR. GREIM:

15 Q. Ms. Wang, good afternoon.

16 You testified on direct that you are now no longer a  
17 CCP member, correct?

18 A. Correct.

19 Q. Do you have a letter of resignation or a notice of  
20 expulsion from the CCP?

21 A. There is no this kind of procedure in the Chinese Communist  
22 Party.

23 Q. When did you stop being a member of the CCP?

24 A. From 2017.

25 Q. When in 2017?

L4KKEAS4

Wang - Cross

1 A. From January.

2 Q. Have you told anyone else that you were a member of the CCP  
3 after January 2017?

4 A. Nobody ask me.

5 Q. Ms. Wang, what is your employment? Where do you work?

6 A. I work in New York.

7 Q. Okay. At what company do you work?

8 A. I work for Mr. Guo's family office.

9 Q. And that is what?

10 A. Golden Spring New York Ltd.

11 Q. What is your position within Golden Spring New York Ltd.?

12 A. I am the president and the director of the company.

13 Q. And, in this case, you have signed the interrogatory  
14 responses for Eastern Profit as the president of Golden Spring,  
15 correct?

16 A. Correct.

17 Q. And when we took the depositions of Eastern Profit in this  
18 case in January 2019 and in October 2019, you were the witness  
19 for Eastern Profit, correct?

20 A. Correct.

21 Q. Now, has Eastern Profit ever paid Golden Spring for its  
22 services in this case?

23 A. No.

24 Q. Has it ever paid Golden Spring for its services in dealing  
25 with the research agreement?

L4KKEAS4

Wang - Cross

1 A. No.

2 Q. Why is that?

3 A. Eastern Profit's bank account were frozen.

4 Q. This is the Hong Kong bank account?

5 A. Correct.

6 Q. Is there a document that gives you authority as president  
7 of Golden Spring New York to act for Eastern Profit?

8 A. I believe there was a power of attorney.

9 Q. We'll put that up for you.

10 A. Thank you.

11 Q. That's DX 24.

12 MR. GREIM: If we could scroll through. I think it's  
13 only a few-page document. There we go. We don't need the  
14 translation.

15 Q. Is this the power of attorney?

16 A. Correct.

17 Q. All right. And whose signature appears on that document?

18 A. Mr. Chunguang Han.

19 Q. Is this the same man you called Hank Han before?

20 A. Correct.

21 Q. He signed that on August 30th, 2018, right?

22 A. Correct.

23 Q. And that was about, oh, what, maybe five months into this  
24 lawsuit?

25 A. Yes.

L4KKEAS4

Wang - Cross

1 Q. Let's go back -- I don't want you to guess on this. Let's  
2 go back to page 1.

3 Is there a section of this -- let me just ask you: Do  
4 you see in the middle of this agreement where it lays out what  
5 the power of attorney will cover?

6 A. You mean from the second paragraph?

7 Q. Yes, ma'am.

8 A. Yes.

9 Q. So it's negotiating a contract between Eastern and SV,  
10 right?

11 A. Yes.

12 Q. Executing that contract?

13 A. Correct.

14 Q. And then the full enforcement and preservation of Eastern's  
15 rights under any contract between Eastern and SV, right?

16 A. Yes.

17 Q. Is there any reference in here to any kind of a loan  
18 agreement between ACA and Eastern Profit?

19 A. I didn't see that.

20 Q. That's not listed in 1, 2, or 3, is it?

21 A. Correct.

22 Q. And you testified that you had nothing to do with the ACA  
23 payment to Eastern Profit?

24 A. I was not involved in the beginning of about this loan.

25 Q. Okay. We'll come back to that topic in a little bit.

L4KKEAS4

Wang - Cross

1 Now, in your first deposition, you testified that you  
2 had met Han Chunguang before that deposition, right? You  
3 recall that?

4 A. Yes.

5 Q. And you had met him in New York?

6 A. Correct.

7 Q. You said that he didn't explain to you what his  
8 relationship to Eastern Profit was. Do you recall that?

9 A. Correct.

10 Q. And you didn't know what his official title was or what his  
11 duties were, did you?

12 A. I did not know by then.

13 Q. And that deposition was in January 2019, right?

14 A. Correct.

15 Q. And the contract here was negotiated at the end of 2017 and  
16 signed in the beginning of 2018, right?

17 A. Correct.

18 Q. You said that you didn't talk to him for information about  
19 Eastern to prepare for your first deposition, right?

20 A. Correct.

21 Q. And you said Mr. Guo is the one who told you Chunguang Han  
22 was the principal of Eastern Profit?

23 A. I believe that I said that in the first deposition.

24 Q. Was that true?

25 A. I misspoke. By then is that I was not well prepared for my

L4KKEAS4

Wang - Cross

1 first deposition. My second deposition was by the end of  
2 October of the same year, after ten years. So, if I misspoke  
3 anything, I apologize, with the chronology and the description  
4 of details.

5 Q. Well, your deposition in January 2019 was given under oath,  
6 right?

7 A. Correct.

8 Q. And you were asked several questions about your own  
9 personal knowledge, weren't you?

10 A. Correct, Mr. Greim.

11 Q. And did you make every effort to answer truthfully in that  
12 first deposition?

13 A. Mr. Greim, English is not my native language. So my  
14 English level by then, and compare with by the end of 2019 and  
15 compare now, I can say I'm improving and growing.

16 THE COURT: Ms. Wang, would you please answer the  
17 question that you were asked. The court reporter can read it  
18 back.

19 THE WITNESS: Yes, your Honor.

20 (Record read)

21 THE WITNESS: Yes, I did.

22 BY MR. GREIM:

23 Q. And, in fact, in your first deposition, weren't you asked  
24 how it was that you came to get the information from Mr. Guo  
25 about Chunguang Han being the principal of Eastern Profit?

L4KKEAS4

Wang - Cross

1 A. Yes.

2 MR. GREIM: Why don't we go ahead and pull that up.  
3 This is R5(a).

4 Okay. Let's go up to page 97. Just scroll up a  
5 little bit.

6 BY MR. GREIM:

7 Q. We're talking about Han Chunguang here, and you see you  
8 were asked – and I know only part is highlighted, I want you to  
9 start at 5 – you see you were asked a question:

10 "Q. Is he an officer, director?

11 "A. I don't know.

12 "Q. Do you know what his duties and responsibilities are?

13 "A. I don't know.

14 "Q. How did you know he was a principal?

15 "A. Mr. Guo told me."

16 Q. And then the question is:

17 "Q. If you look at Exhibit 3, and we can pull that up, would  
18 you have personal knowledge of any of these answers? Maybe you  
19 can just point out the ones to which you would have personal  
20 knowledge."

21 "A. Personal knowledge about what?"

22 Did I read that correctly?

23 A. Yes.

24 Q. And that was your true and correct testimony in  
25 January 2019?

L4KKEAS4

Wang - Cross

1 A. That's my best knowledge by then.

2 Q. And you were asked again, on page 99, at line 20:

3 "Q. So you knew that Mr. Han, prior to seeing these  
4 interrogatories, was a principal of Eastern Profit?

5 "A. Which question?

6 "Q. Number two.

7 "A. Again, correct. Here, yes, I was told he was a  
8 principal."

9 Did I read that correctly?

10 A. Yes.

11 Q. And then you go on:

12 "A. They explored this in some more detail.

13 "Q. So you had to be told that when you saw the question, when  
14 you verified it? Somebody told you that information, right?

15 "A. That's right.

16 "Q. So you were educated on it. Is that true with each of  
17 these answers? That's what I'm trying to get at.

18 "A. Correct."

19 Did I read that right as well?

20 And then they pursue it further:

21 "Q. So with each of these answers, somebody had to tell you --  
22 with each of these questions, somebody had to tell you what the  
23 answers were before you could verify it, right?

24 "A. Yes."

25 Did I read that correctly still?

L4KKEAS4

Wang - Cross

1 A. Yes.

2 Q. And then the question:

3 "Q. Now, for example, who told you the answer to number 2?"

4 23, Answer:

5 "A. Mr. Guo."

6 Did I read that right?

7 A. You read it correctly.

8 Q. So you answered several times in this deposition that it

9 was Mr. Guo who told you that Han was the principal of Eastern,  
10 right?

11 A. Correct.

12 Q. Now, as of January 29, when you gave that deposition, you  
13 had not met with or spoken with any employee, officer, or  
14 director of Eastern Profit, had you?

15 A. Correct.

16 Q. And you didn't know whether Eastern Profit had an office,  
17 correct?

18 A. Correct.

19 Q. And you didn't know whether Eastern Profit had any  
20 employees, correct?

21 A. Correct.

22 Q. You did not know Eastern Profit at all before this project;  
23 isn't that right?

24 A. Correct.

25 Q. Guo is the person who told you about Eastern, right?

L4KKEAS4

Wang - Cross

1 A. I couldn't remember by then. If I testified Mr. Guo,  
2 that's Mr. Guo. I will stay with my testify.

3 Q. And the first time you heard the name Eastern Profit was  
4 from Mr. Guo, correct?

5 A. I couldn't remember clearly. If I testify and say Mr. Guo,  
6 I will stay with that.

7 Q. And Guo told you the name Eastern Profit before you went  
8 down to Virginia to negotiate with French Wallop; is that  
9 right?

10 A. I couldn't remember that clearly. If I testify Mr. Guo, I  
11 will stay with that.

12 THE COURT: No, Ms. Wang, what we're asking for, what  
13 counsel is asking for, is your best recollection today, your  
14 truthful answers today, not what you will stick with, but what  
15 the truth is to your knowledge today.

16 THE WITNESS: Understood, your Honor.

17 THE COURT: Go ahead.

18 BY MR. GREIM:

19 Q. So, let me ask you: Is your best recollection today that  
20 the first time you heard the name Eastern Profit was from Guo  
21 Wengui?

22 A. No. My best memory, as my best knowledge today, right now,  
23 first time I heard about Eastern Profit is from Mr. Han.

24 Q. Now, again, you testified on January 31, 2019, as the  
25 Eastern Profit corporate representative, correct?

L4KKEAS4

Wang - Cross

1 A. Yes.

2 Q. And you swore to your testimony under oath, correct?

3 A. Yes.

4 MR. GREIM: Let's pull up R12. And let's go up,  
5 actually, to page 14. We're going to have to use a couple of  
6 pages here.

7 BY MR. GREIM:

8 Q. So, on page 14, line 15, you were asked:

9 "Q. What information did you request of Mr. Guo in order to  
10 finish this project?

11 "A. At least who is the client or who is the vendor."

12 Did I read that right so far?

13 A. Yes, sir.

14 "Q. So when you asked him who the client or the vendor was, he  
15 said Eastern Profit; is that fair?

16 "A. Correct."

17 Did I read that correctly?

18 A. Yes, sir.

19 "Q. When did he tell you about Eastern Profit -- or what did  
20 he tell you about Eastern Profit at that time?

21 "A. I don't remember."

22 Did I read that correctly?

23 A. Correct.

24 Q. Then let's skip down to page 16. I'm sorry, page 15,  
25 line 4:

L4KKEAS4

Wang - Cross

1 "Q. Up until that time, had you ever heard of Eastern Profit  
2 before?

3 "A. I don't remember I heard about that."

4 Line 7:

5 "Q. Sitting here today, you think that may have been the first  
6 time you ever heard of Eastern Profit?

7 "A. You mean by then? You mean by this time, December 2017?

8 "Q. Yes.

9 "A. Yes."

10 Did I read that correct so far?

11 A. Yes, sir.

12 Q. And, then, just to clear it up, line 18:

13 "Q. So as far as you can recall, that's the first time you  
14 ever heard of Eastern Profit?

15 "A. Correct."

16 Did I read that correctly?

17 A. Yes, sir.

18 Q. Now, Guo told you this just before you went down to  
19 Virginia, correct?

20 A. Again, I don't remember clearly, as Mr. Guo and Mr. Han  
21 told me, but as my best memory of today, right now, I did my  
22 research, and my recollection, that was Mr. Han.

23 MR. GREIM: Okay, let's put up C1. Let's play that  
24 before you click play.

25 Q. Do you recall you were deposed, that we finished up the

L4KKEAS4

Wang - Cross

1 Eastern Profit corporate representative deposition in October  
2 of 2019?

3 A. Correct.

4 Q. And did you testify truthfully and under oath at that time  
5 as well?

6 A. Yes.

7 Q. And do you recall we videotaped that deposition?

8 A. I believe so.

9 Q. Okay. We're going to play you a clip now.

10 "Q. You first learned of Eastern Profit's existence just  
11 before going down to Virginia to sign the contract with  
12 Ms. Wallop; isn't that right?

13 "A. That's correct."

14 That was your testimony in October 2019, right?

15 A. Correct.

16 Q. You told us earlier that you thought you remembered many  
17 things between January and October 2019, right?

18 A. Yes.

19 Q. And your English was much better in October than from  
20 January 2019?

21 A. I believe so.

22 Q. By the way, when did you first begin to learn English?

23 A. When I was back to my college.

24 Q. And when was that?

25 A. That was in France. My first foreign language is French,

L4KKEAS4

Wang - Cross

1 and the second language is English, mainly.

2 Q. And how long have you been living in the United States?

3 A. From 2015 until now.

4 Q. Do you deal with English-speaking employees every day at  
5 your office?

6 A. Correct.

7 Q. Ms. Wang, you've testified that you have no idea -- let me  
8 just ask you.

9 Ms. Wang, you have no idea if Eastern Profit has  
10 investors, assets, clients, investments, business activities,  
11 or a bank account; isn't that right?

12 MS. CLINE: Objection; relevance.

13 THE COURT: Overruled.

14 THE WITNESS: I did my research, and Eastern Profit  
15 does have bank account and assets.

16 BY MR. GREIM:

17 Q. So, you did not know that they had a bank account on  
18 January 29 at your deposition?

19 A. By then, I didn't know.

20 Q. And that was eight months into this lawsuit. You still  
21 didn't know that they had a bank account?

22 A. I didn't know by then.

23 Q. Didn't you just testify about an hour ago that Han  
24 Chunguang told you that Eastern Profit wanted to unfreeze its  
25 assets?

L4KKEAS4

Wang - Cross

1 A. Correct.

2 Q. He would have told you that back in 2017, correct?

3 A. Back to 2017? I don't remember that.

4 Q. Well, let me just ask you: What did Han Chunguang tell you  
5 in December of 2017 that Eastern Profit wanted from this  
6 agreement?

7 A. By then, Mr. Han told me Eastern Profit could potentially  
8 be the party of this investigation project because Eastern  
9 Profit got their assets frozen by Chinese Government, also.

10 Q. So you knew back in -- this conversation really occurred,  
11 you knew back in December 2017 that Eastern Profit had assets,  
12 right?

13 MS. CLINE: Objection to form.

14 THE COURT: Overruled.

15 THE WITNESS: By the end of 2017, I was told Eastern  
16 Profit had assets, but in my understanding, I'm not sure that  
17 referred to bank accounts or some other assets.

18 Q. Well, you were asked about all those things in  
19 January 2019, weren't you?

20 A. Correct.

21 Q. And your answer was you didn't know at that time?

22 A. I was not sure by then.

23 Q. How are you confident that Han Chunguang had anything to do  
24 with Eastern Profit when you spoke with him in December 2017?

25 A. I'm pretty confident.

L4KKEAS4

Wang - Cross

1 Q. Okay. My question is: How why were you confident?

2 A. Because he introduce me as he is represent --  
3 representative of Eastern Profit. So I trust him.

4 Q. So the basis for your information was that he told you he  
5 was a representative of Eastern Profit?

6 A. Correct.

7 Q. Did anybody else tell you he was a representative of  
8 Eastern Profit --

9 A. I believe --

10 Q. -- at that time?

11 A. Only Mr. Han.

12 Q. Did you know Mr. Han Chunguang before then?

13 A. Yes.

14 Q. How did you know him?

15 A. I know him back to Mainland China.

16 Q. Do you know when he came to the United States?

17 A. I beg your pardon?

18 Q. Do you know when he came to the United States?

19 A. You mean when, right?

20 Q. Immigrated, do you know when he immigrated to the United  
21 States?

22 A. I know he came to the U.S. in 2015, also.

23 Q. Did he come at the same time as you?

24 A. Similar.

25 Q. Eastern Profit was not assigned any of its claims in this

L4KKEAS4

Wang - Cross

1 case, correct?

2 A. What's your question? Sorry.

3 Q. Was Eastern Profit assigned any of the claims it is  
4 asserting in this case?

5 MS. CLINE: Objection to form.

6 THE WITNESS: You mean signature, right?

7 THE COURT: Overruled.

8 THE WITNESS: You mean signature; am I correct?

9 BY MR. GREIM:

10 Q. My question was: Did anyone else assign the claims to  
11 Eastern Profit that it is asserting in this case?

12 A. I still don't understand your question.

13 Q. That's okay. Here's what we'll do. Let's put up DX 68.  
14 Okay.

15 First of all, do you recognize this document?

16 MR. GREIM: Why don't you scroll through it, Rebecca,  
17 just go slowly through.

18 Q. You see it has several questions and answers, an attorney  
19 named Zachary Grendi has an electronic signature – keep going –  
20 and then there's a signature at the bottom.

21 MR. GREIM: Is there another page?

22 Q. Now, is that your signature?

23 A. Yes.

24 Q. That signature is Yvette Wang, correct?

25 A. Correct.

L4KKEAS4

Wang - Cross

1 Q. And somebody else notarized it.

2 Did you sign this before a notary?

3 A. Yes.

4 Q. On August 20, 2019?

5 A. Correct.

6 Q. And then in the verification, you say, "I, Yvette Wang,  
7 state that I have read the foregoing responses, that they were  
8 prepared with the assistance of counsel, that the responses  
9 are, subject to inadvertent and undiscovered errors, based on,  
10 and therefore necessarily limited by, the records and  
11 information I have reviewed, or by my knowledge of certain  
12 facts, were so stated and by information thus far discovered in  
13 preparing these responses."

14 You reserve the right to make changes.

15 And then, finally, you say, "Subject to these  
16 limitations, I state, under the pains and penalties of perjury,  
17 the responses are true to the best of my knowledge, information  
18 and belief."

19 Did I read that right?

20 A. Yes.

21 Q. Okay.

22 MR. GREIM: And let's go up to page 3. Go up a little  
23 higher. It's page 2. I'm sorry, you have to go down. I guess  
24 I was wrong. Oh, there it is, the last one.

25 Q. You see it says, "If one or more of Eastern Profit's claims

L4KKEAS4

Wang - Cross

1 in the second amended complaint has been assigned, identify  
2 each original owner of each claim and identify any assignee of  
3 any claim."

4 Do you see that?

5 A. Yes.

6 Q. And then it says, "None of the claims in the second amended  
7 complaint has been assigned." Did I read that right?

8 A. Yes.

9 Q. And is that true?

10 A. Correct.

11 Q. Okay. Let's move ahead, pick up some speed here.

12 Ms. Wang, you had never met French Wallop or Mike,  
13 Dr. Mike Waller, before you were introduced to them?

14 A. Correct.

15 Q. Now, I thought I heard you to say that you first met French  
16 Wallop on a trip to D.C.; is that right?

17 A. That's not right.

18 Q. No? Okay, okay.

19 So, do you recall that you actually first met them in  
20 Guo Wengui's apartment?

21 A. I first time met them in New York.

22 Q. Right; in Guo Wengui's apartment?

23 A. In his family's apartment, yes.

24 Q. I'm sorry, is that not his apartment?

25 A. His family owns an apartment.

L4KKEAS4

Wang - Cross

1 Q. What do you mean by his family owns the apartment?

2 MS. CLINE: Objection; foundation.

3 THE COURT: Overruled.

4 Q. What do you mean by his family owns the apartment?

5 A. Himself and his family, entire family, owns an apartment  
6 they live in there, all of them.

7 Q. I see. I mean, who are the other people? Who are the  
8 other members of the family who live in there?

9 A. His wife.

10 Q. Okay. Who else?

11 A. I think that's it.

12 Q. Okay, okay. So he and his wife live in the apartment?

13 A. Correct.

14 Q. And they're the ones who own it?

15 A. The family owns that.

16 Q. Okay. Well, I'm sorry, I don't want to belabor this, but I  
17 do have to ask you: Other than his wife, who else owns that  
18 apartment?

19 MS. CLINE: Objection; foundation.

20 THE COURT: I'll permit it.

21 A. His family's company own apartment. He is the owner of the  
22 family -- he's the owner of the company.

23 Q. I see, okay.

24 So the company owned by his family owns the apartment?

25 A. Correct.

L4KKEAS4

Wang - Cross

1 Q. And I wanted to get to this later; we'll just do it now.  
2 Several times you mentioned Guo's family office or his family  
3 company. Do Guo's -- does he have a mother and father who own  
4 these things with him? Which relatives of his -- let me make  
5 it specific.

6 Which relatives of his, for example, own the company  
7 that owns his house?

8 MS. CLINE: Your Honor --

9 THE COURT: The objection is sustained unless you can  
10 correct it.

11 MR. GREIM: Well, you know what, I'll just move on.  
12 This may be relevant to something later but I want to move  
13 quickly through here.

14 BY MR. GREIM:

15 Q. Now, was the meeting at the -- I'll just call it the Guo  
16 apartment, the Sherry-Netherland, when was that?

17 A. In fall of 2017.

18 Q. Okay. Now, do you recall -- it's true, isn't it, that you  
19 don't actually know when the meetings between French Wallop,  
20 Mike Waller, and Mr. Guo began?

21 A. That was the first time I got to know them.

22 Q. Okay. But you don't know when the actual meetings began,  
23 do you?

24 A. I didn't know.

25 Q. And Guo never told you why he was meeting with French and

L4KKEAS4

Wang - Cross

1 Mike in New York, did he?

2 A. By then, he didn't.

3 Q. Okay. You say by then. What did you mean?

4 A. Because I was introduced to that meeting, and then  
5 Ms. Wallop and Mr. Waller was introducing Mr. Guo house in  
6 Virginia. So I step into that meeting; that was the first  
7 time.

8 Q. I'm sorry, did you say Mr. Guo's house in Virginia?

9 A. No, Ms. Wallop and Mr. Waller were introducing a real  
10 estate property located in Virginia, a house called Evermay  
11 somehow. They tried to sell their house to Mr. Guo.

12 Q. Okay. And so that was the first time you met Dr. Waller  
13 and French Wallop?

14 A. Correct.

15 Q. Do you remember when that was?

16 A. I couldn't remember clearly; like late October or November,  
17 somehow 2017. I couldn't remember clearly.

18 Q. Is it your testimony that it was before December?

19 A. Correct.

20 Q. So, is it your testimony sometime before December you were  
21 meeting with French Wallop and Mike Waller in Virginia? Is  
22 that right?

23 A. Not correct.

24 Q. Okay.

25 A. In Virginia I only met with Ms. Wallop. The first time I

L4KKEAS4

Wang - Cross

1 went there, she introduce me to see the real estate property.

2 I only met her, she drove me.

3 Q. Okay, but that was not the first time you had met them,  
4 right?

5 A. That was the -- not first time, you're right. First time,  
6 I was in New York, yeah.

7 Q. But the first time you met French in D.C., it was to look  
8 at real estate, right?

9 A. Correct.

10 Q. And there was no discussion of the research project,  
11 correct?

12 A. By the first time? No.

13 Q. And you didn't even know about the research project at that  
14 point; is that right?

15 A. Correct.

16 Q. And you didn't begin your involvement with the project  
17 until late December, right?

18 A. In December of -- I believe it's beginning of December, the  
19 first or second week of December, yeah.

20 Q. You had no conversations about the project during the  
21 negotiation of the project other than with Guo, correct?

22 A. I was negotiating with Ms. Wallop.

23 Q. So, before -- okay, and you were doing that in late  
24 December, right?

25 A. Around mid- and late December, yes.

L4KKEAS4

Wang - Cross

1 Q. So, you were negotiating with Ms. Wallop in mid-December?

2 A. Negotiating was the late December, which I couldn't  
3 remember clearly, should be the third or fourth week of  
4 December.

5 Q. And before that, your only conversations on the project  
6 were with Mr. Guo, correct?

7 A. You mean the investigation project?

8 Q. Correct.

9 A. Correct.

10 Q. And you never worked on this project with anyone else other  
11 than Mr. Guo, correct?

12 A. I worked with Mr. Guo, Ms. Wallop, and Mr. Waller also, of  
13 course.

14 Q. Okay. Other than Ms. Wallop and Dr. Waller, you never  
15 worked on this project with anyone else than Mr. Guo, correct?

16 A. Correct.

17 Q. And Guo is the person who had discussions with Strategic  
18 about what would be valuable under the agreement, correct?

19 A. I was involved in also.

20 Q. Okay. And you testified that you were involved in  
21 mid-December?

22 A. Yeah.

23 Q. Guo identified the research subjects, correct?

24 A. He identified some names. I researched some name also. We  
25 put together.

L4KKEAS4

Wang - Cross

1 Q. Did Mr. Guo approve every research subject?

2 A. He does not need to approve.

3 Q. You recall you testified about this topic at your first  
4 deposition?

5 A. I couldn't remember that.

6 MR. GREIM: Let's pull up R31. Okay.

7 Q. So, on 32 -- let's start at 32 -- line 5 you were asked:

8 "Q. What did you understand fish to mean?

9 "A. Target people, human being.

10 "Q. But Strategic Vision wasn't identifying anyone to be  
11 researched, that was Eastern Profit, right?

12 "A. Correct."

13 Did I read that right so far?

14 A. Yes.

15 Q. Let's move down to 11 -- I'm sorry, there we go. Now, on  
16 page 33, line 11:

17 "Q. And who identified these people?

18 "A. Mr. Guo.

19 "Q. And from where did Mr. Guo get his information?

20 "A. I don't know.

21 "Q. You never asked?

22 "A. No."

23 Was that your testimony?

24 A. Yes.

25 Q. And Mr. Guo gave you the initial research packet in

L4KKEAS4

Wang - Cross

1 December 2017, correct?

2 A. You mean the names? Yes.

3 Q. And he told you to deliver it to Strategic if the agreement  
4 was signed, right?

5 A. Correct.

6 Q. Guo is the one who told you to execute the research  
7 agreement, correct?

8 A. I executed the contract by myself.

9 Q. I understand that you did. What I am saying, though, is,  
10 Guo directed you to execute the research agreement, didn't he?

11 A. Direct? I don't understand what you mean by direct. He  
12 instructed me? No, he didn't instruct me.

13 Q. Did he tell you to do it?

14 A. No, I reviewed the contract, I negotiated the terms, I feel  
15 this ready to go, I executed, I told him. That was the  
16 process.

17 MR. GREIM: Let's put up R33.

18 Q. Again, we're looking at the January 2019 deposition that  
19 you testified, where you said you testified under oath. Let's  
20 take a look at page 176. So you see:

21 "Q. She didn't agree with the draft you had handed her?

22 "A. Correct, correct. So I had to leave Washington, D.C.,  
23 because I have my schedule on Monday, that was a Sunday. So I  
24 left -- I was supposed to sign on contract with her by that  
25 day, but I didn't.

L4KKEAS4

Wang - Cross

1 "So that's why I kind of, like, I didn't finish that  
2 project or that contract. I had to leave, but later on I  
3 realized, and Mr. Guo told me, he was expecting me to sign the  
4 contract together, finalize the contract. And same time  
5 simultaneously, it looks like he already arranged the payment.  
6 So by the end, payment hit your account but the contract didn't  
7 sign."

8 Did I read that correctly?

9 A. Correct.

10 MR. GREIM: Let's pull up DX 16. Let's scroll through  
11 here. Just show her these pages.

12 Q. Now, Ms. Wang, do you recognize this document?

13 A. Yes.

14 Q. What is it?

15 A. It's the Signal text message between me and Ms. Wallop.

16 Q. And what are the Chinese characters, by the way, under the  
17 word "French"?

18 A. I'm translating for you: "Click here go to your setting."

19 Q. Okay, all right.

20 Let's go to the very beginning of this document. Do  
21 you see you say to French - this is on January 5th at 11:05 -  
22 "Hi. Both L and M advised me that we are supposed to meet  
23 again, I'll be available tomorrow at my hotel lobby or at your  
24 convenience. Just let me know if you like. Thanks."

25 Did I read that correctly?

L4KKEAS4

Wang - Cross

1 A. Yes.

2 Q. And who are L and M in this section?

3 A. L is Mr. Lianchao Han. M is Mr. Miles Guo.

4 Q. Now, Lianchao Han is a name we didn't really hear in your  
5 opening examination here. Who is he?

6 A. He is the gentleman introduced Ms. Wallop and Mr. Waller to  
7 Mr. Guo.

8 Q. And he was negotiating on behalf of Mr. Guo, wasn't he?

9 A. I believe in the beginning, yes.

10 Q. And he's one of the ones who advised you that you were  
11 supposed to meet with French again, correct?

12 A. Correct.

13 Q. By the way, there's no mention of Han Chunguang here, is  
14 there?

15 A. No.

16 Q. You came to French Wallop's home to sign?

17 A. Yes, because Ms. Wallop doesn't want to meet me in the  
18 public place. She invited me to her home.

19 Q. Now, before signing the agreement, you read each line to  
20 Guo over the phone, didn't you?

21 A. No, I didn't.

22 MR. GREIM: Let's pull up Wang 1, R34.

23 Q. You see it says:

24 "Q. Was a translation of this document ever provided to  
25 Mr. Guo?

L4KKEAS4

Wang - Cross

1 "A. I orally translated for him.

2 "Q. And he speaks Mandarin?

3 "A. Correct.

4 "Q. So you read line by line and got his okay to the final  
5 agreement, right?

6 "A. Correct."

7 Did I read that correctly?

8 A. Correct. Here, I need the key terms --

9 Q. I --

10 A. -- not the entire agreement.

11 Q. You'll have to raise that with your other counsel.

12 If Guo insisted on a term in the agreement, you just  
13 let it go; is that right?

14 A. What do you mean? I don't understand your question.

15 Q. Well, let me ask you this: Were there some things -- when  
16 you came down to sign the agreement, were there some things in  
17 the draft agreement that you didn't agree with?

18 A. Correct.

19 Q. And did you discuss those with Mr. Guo?

20 A. Yes, I did.

21 Q. And were there some things that he insisted should just  
22 stay in?

23 A. Yes.

24 Q. And when he insisted that they stay in, you had to just let  
25 it go and sign, correct?

L4KKEAS4

Wang - Cross

1 A. Not really.

2 Q. Okay. Let's pull up Exhibit -- let's go to R35. Do you  
3 remember one of the issues was over the million dollar deposit?

4 A. Correct.

5 Q. So, you were asked about that again at your January 2019  
6 deposition. I'll read it to you.

7 "Q. So, ultimately, you agreed to the million dollar deposit,  
8 correct?

9 "A. That's right. As a project manager, you know, I pointed  
10 out my concern, if he insisted, then I just let it go."

11 Did I read that correctly?

12 A. Correct.

13 Q. That was the truth, wasn't it?

14 A. This is about the deposit, not about the contract.

15 Q. Okay. So, on the deposit, though, he insisted and you let  
16 it go, right?

17 A. I got to know this deposit was wired after it's done, so I  
18 had to agree because it's already happen.

19 Q. Well, you testified, "if he insisted, then I just let it  
20 go," right?

21 A. If he insisted, I need the deposit. That's already happen,  
22 before I sign the contract. This is what I mean by that.

23 MR. GREIM: Let's go up a little bit. Let's go up, if  
24 you can scroll up. Do we have page 61?

25 Q. Let me ask you: What was the dispute that came up about

L4KKEAS4

Wang - Cross

1 the deposit at the end of the agreement? There was a question  
2 about the amount of the deposit, wasn't there?

3 A. Not about amount. Amount was great.

4 Q. Well, let's look at page 61, line 17. We were trying to  
5 talk about different issues with the agreement, and the  
6 question was:

7 "Q. What about the deposit? Did he raise any issues with  
8 respect to the deposit?

9 "A. Oh, you reminded me. Because I remember clearly when I  
10 went through this draft with Mr. Guo, I pointed out, I said  
11 that 1 million deposit in advance is a lot. Because I am a  
12 project manager, so I feel I should remind him, this is a huge  
13 amount of money to pay as a deposit."

14 Did I read that correctly?

15 A. Yes.

16 MR. GREIM: Okay. Let's go down.

17 Q. And then you continue:

18 "A. And I remember Mr. Guo said, Ms. Wallop and Mike, they are  
19 respectful people and I trust them. They are reliable, and  
20 before they even asked 3 million as a deposit in this contract,  
21 now they reduced by 1 million and let's just keep that. I  
22 remember that conversation."

23 Did I read that correctly?

24 A. Correct. This conversation happened in New York even  
25 before I went to Virginia. The first time I saw the draft of

L4KKEAS4

Wang - Cross

1 contract, I raise my question.

2 MR. GREIM: I just move to strike. There's no pending  
3 question there.

4 THE COURT: I'll permit it.

5 MR. GREIM: Let's pull up the research agreement. Now  
6 let's scroll through. Keep going. There, you can stop there.  
7 Let's keep it there.

8 Q. Now, Ms. Wang, I take it you've seen this agreement many,  
9 many times; am I right?

10 A. Yes.

11 Q. And this is the agreement you signed with Ms. Wallop,  
12 right?

13 A. Correct.

14 Q. Let me ask you, we saw your signature earlier on a document  
15 produced to Strategic in this case. Is that your signature?  
16 You don't -- actually, go ahead scroll on down. Let's look at  
17 it. Let's look at -- this is Exhibit 68.

18 You said that was your signature, right?

19 A. Correct.

20 Q. Okay. Now let's go back to the research agreement.

21 Now, you've testified that you signed this in  
22 Ms. Wallop's presence, right?

23 A. Correct.

24 Q. Did you sign your own name to this agreement?

25 A. Mr. Han authorized me to sign his name on agreement.

L4KKEAS4

Wang - Cross

1 Q. I see. So, your testimony today is that you signed Mr. Han  
2 Chunguang's name on the agreement?

3 A. With his authorized, yes.

4 Q. I take it this was an oral authorization, right?

5 A. Correct.

6 Q. Did you tell Ms. Wallop you were signing Han Chunguang's  
7 name?

8 A. I don't remember that.

9 Q. Now, Ms. Wang, you insisted throughout this case that you  
10 did not write Han Chunguang's name there, didn't you?

11 A. You asked me many times. I was afraid you claim me, say I  
12 forge his signature.

13 Q. Okay.

14 A. Which I didn't.

15 Q. You're telling me the truth today, though, correct?

16 A. I'm telling the truth along the way. Mr. Han authorize me  
17 to sign his signature on the contract.

18 Q. Now, in response to the Court's question earlier, you  
19 testified that you never gave the 15 names to Mr. Han  
20 Chunguang -- I'm sorry, actually you testified you never gave  
21 them to Eastern Profit, correct?

22 A. Correct.

23 Q. So, did you ever give the information that Dr. Waller and  
24 Ms. Wallop told you, did you ever give that information to  
25 Eastern Profit?

L4KKEAS4

Wang - Cross

1 A. What information?

2 Q. Well, let me -- okay, fair enough.

3 Did you ever give any information that Dr. Waller or  
4 Ms. Wallop may have told you about the contract, to Mr. Han  
5 Chunguang?

6 A. I told him some information.

7 Q. Okay. What did you tell him?

8 A. For example, like the payment, right, deposit is 1 million.

9 Q. Okay. What else?

10 A. And investigation the Chinese governmental official, which  
11 is some name Mr. Han knows also, like the vice president of  
12 country.

13 Q. Well, now wait a second. I thought you said you did not  
14 provide the names to Eastern Profit.

15 A. No, I didn't.

16 Q. Okay. Well, why do you say that Han Chunguang knows some  
17 of the names also?

18 A. Because they are public information.

19 Q. Well, do you know that Han Chunguang knows the names also?

20 A. I believe so.

21 Q. Did you actually share the names with him, though?

22 A. No, I didn't.

23 Q. Now, didn't Dr. Waller and Ms. Wallop actually tell you  
24 about the results of their research. Unsatisfactory as I  
25 understand it was, didn't they actually tell you about the

L4KKEAS4

Wang - Cross

1 results of their research?

2 A. In the first meeting, which is supposed to be the report  
3 meeting, which they did tell us, they got miscommunication  
4 problem with our team, they apologized for their failure.

5 Q. Now, you didn't tell that information to Han Chunguang, did  
6 you?

7 A. No, I didn't.

8 Q. Who's the actual owner of Eastern Profit, by the way?

9 A. You mean now?

10 Q. Let's go with now, yes.

11 A. Yeah, it's Ms. Mei Guo.

12 Q. Who is that?

13 A. She's a daughter of Mr. Guo.

14 Q. Who was the owner of Eastern Profit during the time this  
15 contract was negotiated?

16 A. I found out that was Ms. Mei Guo also.

17 Q. And who was the owner of Eastern Profit during the time  
18 that the contract was being be performed; same answer, Mei Guo?

19 A. Correct.

20 Q. Where does she live, by the way?

21 A. She lives in U.S.

22 Q. She doesn't live in Hong Kong?

23 A. No.

24 Q. She's also the sole director of Eastern Profit, isn't she?

25 A. Correct.

L4KKEAS4

Wang - Cross

1 Q. And she was the sole director at all times relevant to this  
2 contract, isn't she?

3 A. I believe so.

4 Q. Mr. Guo never told you whether the research from the  
5 contract would be reported back to China, did he?

6 A. We discussed about that.

7 MR. GREIM: Well, let's pull up R38. This would be  
8 (a). Let's go up a little higher. Question, this is line 4:  
9 "Q. What is your understanding, though, of what he is doing  
10 and why he's researching these people?"

11 Answer line 9:

12 "A. I don't understand. What is your question?

13 "Q. Well, what is your understanding?

14 "A. My understanding?

15 "Q. Of why he's investigating these people.

16 "A. Oh, okay. He needs the information about these people to  
17 whistle-blow and disclose their crime. So Chinese government,  
18 and even other countries' authorities, they can take action to  
19 this corrupted criminal, Chinese official."

20 Did I read it correctly so far?

21 A. Yes.

22 Q. Question:

23 "Q. So your understanding was the research would be reported  
24 back to China?

25 "A. I don't know that."

L4KKEAS4

Wang - Cross

1 Did I read that correctly?

2 A. Correct.

3 Q. And you didn't ask, and didn't know, how Guo was going to  
4 whistle-blow on the research subjects, correct?

5 A. I didn't ask appropriately, purp -- purposefully.

6 Q. Purposefully?

7 A. Yes.

8 Q. So you didn't ask Guo on purpose why he was or, I'm sorry,  
9 how he was going to use the research?

10 A. Correct. That could be like a report to China or report to  
11 the foreign authority or going to whistle-blowing.

12 Q. But you didn't know?

13 A. I didn't know by then. It could be all of them. I mean,  
14 that was our -- his life. It doesn't mean I ask what do you  
15 deal with that specifically.

16 Q. Well, you testified on direct about all this. When did you  
17 finally learn how Mr. Guo was going to whistle-blow on the  
18 research subjects?

19 A. The research was not successful. There's no result to deal  
20 with that.

21 Q. I see. Well, let's actually talk about that here.

22 So, after this contract was terminated, Eastern Profit  
23 never hired anyone else to do research, correct?

24 A. Correct.

25 Q. And I take it, it sounds like Guo never hired anyone else

L4KKEAS4

Wang - Cross

1 to do the kind of work that he tried to have Strategic do,  
2 correct?

3 A. I was not involve in that. I don't know.

4 Q. Well, you're the president of Golden Spring New York,  
5 right?

6 A. Correct.

7 Q. His family office?

8 A. Guo family office.

9 Q. And so you don't have knowledge of any other effort by Guo  
10 to do the kind of research Strategic Vision was supposed to do  
11 in this matter after this contract was terminated?

12 A. Correct. I'm the president of family office; doesn't mean  
13 that I should know all Guo's personal stuff and his personal  
14 investigation. That's it.

15 Q. Golden Spring New York was put in charge of this project,  
16 wasn't it?

17 A. Correct.

18 Q. Does Mr. Guo have other family offices that -- are other  
19 Yvettes out there doing what you do? I'll withdraw that, I'll  
20 withdraw it.

21 Does Mr. Guo have other family offices that you're  
22 aware of?

23 A. I'm not aware.

24 Q. How about China Golden Spring?

25 A. That was a company in Hong Kong.

L4KKEAS4

Wang - Cross

1 Q. You say "was." Is it gone now?

2 A. It was frozen by the Chinese government also.

3 Q. Also, in 2017, like Eastern Profit?

4 A. Yes, around that time.

5 Q. Has it ever been unfrozen?

6 A. Nope.

7 Q. And, as president of Golden Spring New York, you report to  
8 Golden Spring Hong Kong, correct?

9 A. I report to the owner of Golden Spring Hong Kong.

10 Q. And who is that?

11 A. It was, and is, Mr. Qian Guo, Q-i-a-n-g G-u-o.

12 Q. Okay. Is this Mr. Guo's son?

13 A. Correct.

14 Q. He also goes by Milesen?

15 A. Correct.

16 Q. Do you know who he reports to?

17 MS. CLINE: Objection; relevance.

18 THE COURT: Overruled.

19 A. I don't know.

20 Q. Does he report to his dad?

21 A. I don't know.

22 THE COURT: Mr. Greim, whenever you're at a convenient  
23 breaking point; we're now at about 5:00 o'clock.

24 MR. GREIM: Okay, why don't we stop.

25 THE COURT: Okay.

L4KKEAS4

Wang - Cross

1 All right. We will recess for the day. We'll begin  
2 again at 9:30 tomorrow morning. Everybody should be in their  
3 seats and ready to go at least by 9:30 because we'll begin  
4 promptly then. Good afternoon, everybody.

5 And please work on the exhibits to try to reconcile  
6 them so that I don't have multiple copies of the same exhibit,  
7 each bearing different exhibit numbers.

8 Thank you.

9 (Adjourned to April 21, 2021 at 9:30 a.m.)

10 \* \* \*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## INDEX OF EXAMINATION

Examination of:	Page
-----------------	------

Redirect By Mr. Greim . . . . .	229
---------------------------------	-----

Recross By Mr. Chuff . . . . .	364
--------------------------------	-----

Redirect By Mr. Greim . . . . .	401
---------------------------------	-----

YAN PING WANG

Direct By Ms. Cline . . . . .	403
-------------------------------	-----

Cross By Mr. Greim . . . . .	426
------------------------------	-----

## PLAINTIFF EXHIBITS

Exhibit No.	Received
-------------	----------

18 . . . . .	382
--------------	-----

## DEFENDANT EXHIBITS

Exhibit No.	Received
-------------	----------

7 . . . . .	271
-------------	-----

20 through 23 . . . . .	343
-------------------------	-----

23 . . . . .	382
--------------	-----